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Raymond McNeely, Kip Oswald, Michael Reaves, Sean Sanborn,
Eric Schwenninger, Chris Webley, Anthony Wetmore, Craig Zanni,
David Zavala, Estate of David E. Hall, City of Coquille, City of Coos Bay,
and Coos County, Oregon

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

Nicholas James McGuffin,
as an individual and as guardian
ad litem, on behalf of S.M., a minor,

Case No. 6:20-cv-01163-MTK

Plaintiffs,

v.

Mark Dannels, Pat Downing, Susan
Hormann, Mary Krings, Kris Karcher,
Shelly McInnes, Raymond McNeely,
Kip Oswald, Michael Reaves, John
Riddle, Sean Sanborn, Eric
Schwenninger, Richard Walter,
Chris Webley, Anthony Wetmore,
Kathy Wilcox, Craig Zanni, David
Zavala, Estate of Dave Hall,
Vidocq Society, City of Coquille,
City of Coos Bay, Coos County,
and Oregon State Police,

Defendants.

EXHIBIT 5081

Declaration of Robert E. Franz, Jr.
in Support of Municipal Defendants'
Reply in Support of their FRCP
Motion for Summary Judgment

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

NICHOLAS JAMES MCGUFFIN, as)
an individual and as)
guardian ad litem, on)
behalf of S.M., a minor,)
Case No.
Plaintiffs,) 6:20-CV-01163-MK
vs.)
MARK DANNELS, PAT DOWNING,)
SUSAN HORMANN, MARY KRINGS,)
KRIS KARCHER, SHELLY)
MCINNES, RAYMOND MCNEELY,)
KIP OSWALD, MICHAEL REAVES,)
JOHN RIDDLE, SEAN SANBORN,)
ERIC SCHWENNINGER,)
RICHARD WALTER, CHRIS)
WEBLEY, ANTHONY WETMORE,)
KATHY WILCOX, CRAIG ZANNI,)
DAVID ZAVALA, JOEL D.)
SHAPIRO AS ADMINISTRATOR OF)
THE ESTATE OF DAVID E.)
HALL, VIDOCQ SOCIETY, CITY)
OF COQUILLE, CITY OF)
COOS BAY, and COOS COUNTY,)
Defendants.)

DEPOSITION OF JOHN J. LINDEGREN

January 4, 2023

Wednesday

10:38 a.m.

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THE DEPOSITION OF JOHN J. LINDEGREN
was taken at the Coos Bay Public Library,
525 Anderson Avenue, in the City of Coos Bay, the
State of Oregon, before Denise C. Zito Smith, CSR,
Certified Shorthand Reporter, in and for the State
of Oregon.

A P P E A R A N C E S

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(Continuing)

(Continuing)

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Also Present: (None.)

Reported By: Denise C. Zito Smith, CSR

I N D E X

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REQUEST FOR PRODUCTION
DESCRIPTION

PAGE

(None.)

INSTRUCTION NOT TO ANSWER

DESCRIPTION

PAGE

(None.)

1 JOHN J. LINDEGREN,
2 having been first duly sworn or affirmed to
3 testify the truth, the whole truth, and nothing
4 but the truth, was examined and testified as
5 follows:

6
7 EXAMINATION

8 BY MR. LAUERSDORF:

9 Q. Mr. Lindegren, my name is
10 Andy Lauersdorf. You and I have met once before
11 today; is that right?

12 A. That is right, sir.

13 Q. And you understand that I'm an
14 attorney representing the plaintiffs in this
15 matter? This is a lawsuit which is filed by
16 Mr. McGuffin against the City of Coquille and
17 former Police Chief Mark Dannels and a number of
18 other defendants; do you understand that?

19 A. I do, sir.

20 Q. And I represent Mr. McGuffin; do you
21 understand that?

22 A. I do, sir.

23 Q. Okay. Can you please state your full
24 name as given at birth?

25 A. John James Lindegren,

1 L-i-n-d-e-g-r-e-n.

2 Q. Okay. Have you been known by any
3 other names or nicknames?

4 A. None. Well, yeah, a lot of nicknames
5 probably, but nothing that I can probably say.

6 Q. How about Big John, does that count as
7 one?

8 A. Yes. Big John, Wedge.

9 Q. Any others that if we were to ask
10 around about you they might not know you as
11 Big John, but they would know you as something
12 else?

13 A. I don't think so.

14 Q. Where were you born; place of birth?

15 A. North Bend.

16 Q. North Bend, Oregon?

17 A. Yes, sir.

18 Q. And what's your date of birth?

19 A. [REDACTED].

20 Q. What's your current address?

21 A. General delivery, Myrtle Point,
22 Oregon, is my mailing address. I live up above
23 Powers right now. No address.

24 Q. And that's in a trapper shack?

25 A. Yeah. I'm up there trapping.

1 Q. And when you say general delivery, is
2 that a post office box or --

3 A. Yes, in Myrtle Point, Oregon. That's
4 where I get any of my mail.

5 Q. Is there a PO box number there?

6 A. No, sir.

7 Q. Okay. Are you currently employed?

8 A. Yeah, for myself, I guess. A trapper.

9 Q. Just like as a general contractor or a
10 handyman?

11 A. Yeah. I'm a carpenter by trade, a
12 journeyman level, but right now I'm not pounding
13 nails. I am catching coyotes for different
14 property owners that -- yeah, it keeps them away
15 from their livestock.

16 Q. And journeyman level, are you union?

17 A. Not now.

18 Q. Okay. So we're here today to conduct
19 your deposition; do you understand that?

20 A. I do, sir.

21 Q. And you are here to testify today in
22 response to a subpoena that you received?

23 A. That is correct.

24 Q. I'm going to show you this document.
25 If you can take a look at that and read it over

1 and tell me if you recognize that at all?

2 A. Yeah, I've seen it.

3 Q. That's the subpoena that you were
4 served with?

5 A. Yes, sir.

6 Q. And that commanded you to appear at
7 the Coos Bay Public Library in Coos Bay, Oregon,
8 on January 4th at 10:30 a.m.; is that right?

9 A. That is correct.

10 Q. And today is Wednesday, January 4,
11 2023, and it's approximately 10:42 a.m.; do you
12 agree with that?

13 A. I agree.

14 Q. And you were on time. It's 10:42, but
15 I'll just say for the record you were here --

16 A. I was here at 10:00.

17 Q. You were here early, that's right.

18 And this is the Coos Bay Public
19 Library; is that right?

20 A. It is.

21 Q. And that's in Coos Bay, Oregon?

22 A. Yes, sir.

23 Q. And your deposition today --

24 MR. LAUERSDORF: Is it being broadcast
25 over the URL at all or just over the phone?

1 COURT REPORTER: Over the phone.

2 BY MR. LAUERSDORF:

3 Q. So your deposition today is also being
4 broadcast over an iPhone that's sitting in front
5 of you so that some of the other parties'
6 attorneys can listen in on your deposition; do you
7 understand that?

8 A. Sure. I do.

9 Q. And that's one of the reasons we want
10 to be careful about speaking over each other,
11 because they have to be able to hear us too; okay?

12 A. Yes, sir.

13 Q. For the record, you're here by
14 yourself today and appearing without an attorney;
15 is that right?

16 A. That is correct.

17 Q. And do you understand that you have
18 the right to have an attorney present with you
19 today?

20 A. Yeah, I guess. Yeah.

21 Q. If for any reason you feel like you
22 need to talk to an attorney at any time, just let
23 me know and we'll take a break; okay?

24 A. I don't believe I do.

25 Q. Okay. Well, as we go on, if you feel

1 like you do, just tell me.

2 And by the same token, if you need to
3 take a break for any other reason, you know, you
4 want to replace a dip, you want to use the
5 bathroom, you want to stretch your legs, just let
6 me know and we'll take a break; okay?

7 A. Okay.

8 Q. This is not an endurance contest. I
9 want you to be comfortable the whole time you're
10 here; okay?

11 A. (Witness nods head.)

12 Q. You have to answer out loud.

13 A. Yes, sir.

14 Q. Okay.

15 A. This technology is really weird to me.

16 Q. I know.

17 So the court reporter is recording
18 your answers under an oath administered a few
19 moments ago; do you understand that?

20 A. I do understand that.

21 Q. And do you understand what it means to
22 be under oath?

23 A. Yes, sir.

24 Q. I know you've been under oath at least
25 once before, right, when you testified at

1 Mr. McGuffin's trial?

2 A. In my life, probably four times,
3 probably.

4 Q. And one of those times is at
5 Mr. McGuffin's trial?

6 A. Yes.

7 Q. What about the grand jury that you
8 attended, were you sworn in for that?

9 A. I can't remember.

10 Q. Okay. What are the other three
11 times --

12 A. I can't even remember the grand jury.
13 I can only remember when I testified at the trial.

14 Q. Okay. What are the other three times
15 that you remember testifying under oath or being
16 placed under oath?

17 A. I was -- I testified at the --
18 Gabriel Morris murder trial.

19 Q. Where was that?

20 A. In Coquille, Oregon.

21 Q. When was that?

22 A. About nine years ago.

23 Q. So 2014 now?

24 A. Yeah.

25 Q. You were testifying in that trial as a

1 witness for the State or for the defense or who?

2 A. For the State.

3 Q. Who was the prosecutor in that case?

4 A. The one that they have now.

5 Q. Mr. Frasier?

6 A. Mr. Frasier.

7 Q. Do you recall which police officers
8 you worked with on that case?

9 A. They just had me come in and tell them
10 what I knew about the defendant. And I don't
11 remember -- I remember talking to either the
12 Justice Department or the FBI about it, but I
13 don't remember any local officers that I talked
14 to.

15 Q. Okay. Was Mr. Morris a friend of
16 yours or an acquaintance or something?

17 A. He was a stepson of mine for -- I
18 raised him up since he was about 12 years old up
19 until when he left home.

20 Q. Okay. So were they just asking you to
21 talk about him in general, or did you actually see
22 him do something?

23 A. I didn't see him do anything. They
24 just asked me, you know, how his demeanor was when
25 he was growing up and if he had any problems.

1 Q. Were you asked to point him out in a
2 courtroom?

3 A. Yeah.

4 Q. So you were asked to identify him?

5 A. Yeah.

6 Q. Okay. And do you recall any of the
7 police officers involved in that investigation?

8 A. I don't.

9 Q. Okay. And that was in 2014?

10 A. Yeah.

11 Q. Were you ever deposed as part of the
12 Gabriel Morris investigation at all?

13 A. What does that mean?

14 Q. Like we're doing here today.

15 A. No.

16 Q. How long did your testimony in that
17 case last?

18 A. 15 minutes.

19 Q. So you were on the stand and off
20 pretty quickly?

21 A. Yes.

22 Q. Do you remember who Mr. Morris's
23 attorney was?

24 A. A woman from Portland.

25 Q. From Portland?

1 A. Yeah.

2 Q. Do you remember her name at all?

3 A. I don't.

4 Q. So that's the McGuffin trial and the
5 Morris trial. And you said there were two other
6 times you were put under oath?

7 A. Yeah.

8 Q. What was the third time?

9 A. One was a car accident that I had
10 witnessed. That was years ago.

11 Q. More than ten years ago?

12 A. Yeah.

13 Q. More than 20 years ago?

14 A. Yeah.

15 Q. Okay. Was that in Coquille?

16 A. Yeah.

17 Q. Was that for a criminal case or for a
18 civil case?

19 A. Civil.

20 Q. Civil case, okay.

21 Do you remember who any of the
22 attorneys were who were involved?

23 A. I do not, sir.

24 Q. How about the fourth time you were
25 placed under oath, when was that?

1 A. It was a job. Somebody was -- I had
2 worked on a job as a journeyman, and they were
3 asking me some questions about -- there was some
4 litigation towards the guy that I was carpentry
5 for.

6 Q. Was that the general contractor?

7 A. Yeah.

8 Q. Do you remember who that was?

9 A. Bill -- I can't remember his last
10 name. It was AMC Construction, and the guy's
11 name -- I can't right now remember his last name.

12 Q. Okay. Were you involved in the
13 lawsuit? Were you suing him?

14 A. No. I was just -- they asked me about
15 what was going on on the job.

16 Q. Okay. So was it like an investigation
17 by the Bureau of Labor and Industries --

18 A. Yeah.

19 Q. -- or the State? Okay.

20 So nobody was suing anybody. It was
21 just an investigation?

22 A. Yeah, an investigation.

23 Q. Okay.

24 A. Using substandard material on a
25 commercial job, I think is what it was.

1 Q. Okay. And so you were placed under
2 oath in that matter?

3 A. Yeah.

4 Q. Was there a trial or something?

5 A. I think it was a hearing through -- I
6 believe it was through the Oregon builders board.

7 Q. Oh, okay. So like a Contractors Board
8 proceeding?

9 A. Yes.

10 Q. Okay. Have you ever had to go through
11 any Construction Contractors Board proceedings
12 because of your own work?

13 A. Yeah, one.

14 Q. When was that?

15 A. About three years ago.

16 Q. So 2019 --

17 A. Yeah.

18 Q. -- ish?

19 And what was that about?

20 A. Working on a job without a
21 contractor's license.

22 Q. What was the job?

23 A. It was remodeling a bathroom.

24 Q. Who was that for?

25 A. Virginia, I can't remember what her

1 last name was, out of Coquille, Oregon.

2 Q. Did something go south on the job?

3 A. She didn't want to pay me.

4 Q. Oh, okay.

5 Did you ever end up settling up with
6 her or --

7 A. Yeah. She settled with me. And then
8 I had to pay a fine to the builders board for no
9 license.

10 Q. How much was the fine?

11 A. \$5,900.

12 Q. Okay. And then did you lose your
13 license or anything because of that?

14 A. No, sir.

15 Q. So you're still licensed?

16 A. I'm not licensed.

17 Q. Oh, you're not licensed?

18 A. I work under other contractors' -- I
19 work under their license.

20 Q. Okay.

21 A. As an employee.

22 Q. So there was just no need to renew
23 yours?

24 A. None.

25 Q. Okay. But, otherwise, you're in good

1 standing if you wanted to renew it?

2 A. Right. Yes. I paid the fine and
3 everybody is happy.

4 Q. Okay. So other than those four times
5 we've talked about, is there any other time you
6 recall that you were placed under oath to testify
7 in any kind of proceeding?

8 A. None that I can remember.

9 Q. Okay. But you have been under oath
10 before, and you understand what it means to be
11 under oath; is that right?

12 A. Yes, sir.

13 Q. And that means that you're expected to
14 give the same careful and considered answers that
15 you would give in a court of law; do you
16 understand that?

17 A. You got it.

18 Q. That means you're expected to give
19 complete answers and not hold anything back;
20 right?

21 A. I won't hold anything back, sir.

22 Q. Okay. So if you've never testified in
23 a deposition before, I'll go over some of what's
24 going on here with all these computers and some of
25 the ground rules; okay?

1 A. That would be fine.

2 Q. So the court reporter is creating a
3 transcript of everything that you and I say,
4 everything that's said during this process, and
5 she's doing that in realtime. And in order for
6 her to do that well, we have to help her out a
7 little bit; okay?

8 A. I understand.

9 Q. So she'll be creating the transcript,
10 but you are going to be responsible for the
11 information in that transcript and whether or not
12 it's accurate; right?

13 A. It will be accurate.

14 Q. Okay. And so a couple things we have
15 to think about. You have to answer all the
16 questions out loud; do you understand that?

17 A. Yes.

18 Q. And things like nodding your head or
19 shaking your head, there's no button on her
20 machine that will record that.

21 A. I understand that.

22 Q. Okay. So you've got to articulate.

23 A. Yeah.

24 Q. And same thing with "uh-huh,"

25 "huh-uh" --

1 A. Yeah.

2 Q. -- things like that, they don't show
3 up well.

4 A. You got it.

5 Q. So you wanna say yes, no, maybe,
6 whatever; okay?

7 A. Yeah. Got it.

8 Q. And you are responsible for expressing
9 any confusion or misunderstanding; do you
10 understand that?

11 A. Right. If I don't understand, I will
12 ask for you to clarify it.

13 Q. Perfect. And if for some reason I ask
14 a question that doesn't make sense, say that on
15 the record so it's clear that there was a
16 misunderstanding and then I'll rephrase the
17 question; okay?

18 A. Yes, sir.

19 Q. Okay. So it may be not only that
20 you're confused, it may be that I'm confused or
21 you think I'm confused. And you should say that
22 so we can get it straight; okay?

23 A. You got it.

24 Q. Okay. By the same token, you're
25 responsible for expressing uncertainty. So if

1 you're guessing about something, you need to tell
2 me it's a guess; okay?

3 A. I won't guess.

4 Q. Okay. Well, that's great.

5 A. But I'll let you know if I don't know,
6 either yes or no. I don't guess. This isn't
7 something I want to guess about.

8 Q. Okay. If we're talking about
9 distances or measurements and you're giving an
10 approximation, say approximately for the record;
11 okay?

12 A. Yeah.

13 Q. Then the last thing -- one of the last
14 things is if you're answering a question with
15 something that you believe to be true, rather than
16 a fact that you actually know to be true, I need
17 you to say that as well; okay?

18 A. Yeah.

19 Q. Okay. And then, lastly, I'll say it
20 one more time, we've got to be careful --

21 A. Like my opinion or something. If I
22 think, well, you know, yeah.

23 Q. Yeah. If you're expressing an opinion
24 rather than something --

25 A. What I for sure know.

1 Q. Right.

2 A. Got you.

3 Q. If you're expressing an opinion, say
4 this is an opinion and not something I actually
5 know.

6 And then, lastly, we got to be careful
7 to avoid speaking over each other.

8 A. I won't.

9 Q. She can't take us both down at the
10 same time.

11 Okay. So the answers --

12 (Reporter inquires.)

13 BY MR. LAUERSDORF:

14 Q. Your answers and the information you
15 provide during this deposition will likely be used
16 at a trial; do you understand that?

17 A. That's fine.

18 Q. And if you also testify at that trial
19 and there are inconsistencies between what you say
20 today and what you say at that trial, those
21 inconsistencies will be pointed out --

22 A. Right.

23 Q. -- do you understand that? Okay.

24 A. Got you.

25 Q. Are you currently suffering from any

1 type of illness?

2 A. None.

3 Q. Have you in the past been diagnosed by
4 a medical professional with any kind of illness
5 where they told you, Hey, this might affect your
6 memory or your ability to understand people?

7 A. The only -- the last illness I had, I
8 had the virus.

9 Q. Okay. Did that affect your memory at
10 all that you know of?

11 A. I couldn't tell you one way or
12 another.

13 Q. Okay.

14 A. It wasn't that bad. I was in bed a
15 couple of days, and I was right back with it.

16 Q. Okay. Are you currently taking any
17 prescription medications that a medical
18 professional has told you might affect your memory
19 or your comprehension?

20 A. Not a one. I don't take pills.

21 Q. Are you aware of any reason why you
22 might not be able to understand or answer the
23 questions asked of you today?

24 A. Well, I'll do my best, sir. That's
25 all I can say. You know, I'm no attorney, so I'm

1 outclassed by you guys, but I'll definitely do my
2 best.

3 Q. Okay. You haven't had any
4 conversations with people lately or any friends
5 where they've said, Geez, John, you don't seem to
6 be that sharp, anything like that?

7 A. I don't think they'd tell me that.

8 Q. Okay. Fair enough.

9 Did you review any documents to
10 prepare for your deposition today?

11 A. None.

12 Q. Have you ever made any notes about the
13 Freeman investigation?

14 A. None.

15 Q. Have you ever made any notes about any
16 of your contact with law enforcement?

17 A. None.

18 Q. Have you ever made any notes about the
19 McGuffin grand jury?

20 A. None.

21 Q. Have you ever made any notes about the
22 McGuffin trial?

23 A. No, sir.

24 Q. No, okay.

25 Other than me and my assistant, have

1 you spoken to anyone about the subpoena you
2 received?

3 A. None.

4 Q. Have you spoken to anyone about this
5 deposition?

6 A. None.

7 Q. Have you spoken to anyone about
8 Mr. McGuffin's lawsuit?

9 A. No.

10 Q. Have you spoken with anyone about your
11 previous testimony in the McGuffin trial within
12 the past two years?

13 A. I have not.

14 Q. How about in the past five years?

15 A. Have not.

16 Q. Okay. Have you spoken to anyone about
17 the Leah Freeman investigation or the McGuffin
18 trial within the past two years?

19 A. No, sir.

20 Q. How about in the past five years?

21 A. None.

22 Q. When the court reporter went through
23 and read through the names of the other attorneys
24 and they introduced themselves, did you recognize
25 any of those names?

1 A. I did not.

2 Q. Do you recall if you've talked to any
3 of those people in the past?

4 A. I probably haven't.

5 Q. Okay. Who's Paul Frasier?

6 A. The DA.

7 Q. Would you recognize him if you saw him
8 on the street?

9 A. I would.

10 Q. When did you first meet Paul Frasier?

11 A. Years ago.

12 Q. More than 20?

13 A. Yeah.

14 Q. Where would you have first met him?

15 A. Well, this is a very -- a small area
16 and people know other people around here. And I
17 knew he was the DA. A friend of his that went to
18 his church I used to work for, I'd pound nails on
19 different houses that he owned. I don't know
20 Mr. Frasier personally very well.

21 Q. Okay. So is it that you know of him
22 by reputation?

23 A. I know what he looks like, I know who
24 he is, and I know he's a friend of Fred Eichler
25 (phonetic), who I used to work for. He had

1 numerous properties that I worked on.

2 Q. Mr. Frasier is in the public eye quite
3 a bit; right?

4 A. He is.

5 Q. Okay. So you would know him from
6 newspaper or television or -- and you've met him a
7 couple times and talked to him in person at least
8 a few times; right?

9 A. I have.

10 Q. When is the last time you spoke with
11 him?

12 A. A couple years ago maybe. Two years
13 probably, maybe longer.

14 Q. Do you remember what you talked about?

15 A. I seen him in a deli, and he said,
16 Hey, Big Guy, and I said, Well, hello,
17 Mr. Frasier.

18 Q. Okay. That was it?

19 A. That was it.

20 Q. Okay. And have you spoken to him
21 about this case --

22 A. No.

23 Q. -- since the trial?

24 A. No.

25 Q. Who is Mark Dannels?

1 A. I believe he used to be or is the
2 chief of police in Coquille, Oregon.

3 Q. Okay. Do you know if he's still the
4 chief of police in Coquille?

5 A. I don't know.

6 Q. Would you recognize Mark Dannels if
7 you saw him on the street?

8 A. I would not.

9 Q. You wouldn't recognize him?

10 A. (Witness shakes head.)

11 Q. Did you ever meet him?

12 A. Once or twice.

13 Q. Do you recall the circumstances?

14 A. Talking to him in the office.

15 I owned some property that I had
16 inherited from my sister, and there was a break-in
17 with some homeless people living in it, and I went
18 to talk to the cops about moving out the homeless
19 people.

20 Q. Is that 551 West 4th Place?

21 A. Yes, it is.

22 Q. Have you been by that house recently
23 at all?

24 A. A couple months ago.

25 Q. Is that the house that -- it looks

1 like it's been gutted and it's being rebuilt.

2 A. Yeah. They're remodeling it.

3 Q. And they took it down to studs, it
4 looks like.

5 A. Yes.

6 Q. Are you involved in that remodel at
7 all?

8 A. Not yet. I'm going to do the drywall
9 when it gets that far.

10 Q. Okay. So you met with him personally
11 about what was happening in the house with the
12 homeless folks?

13 A. Yeah. I went in there.

14 Q. Did you meet with him any other time
15 that you recall?

16 A. I don't believe so.

17 Q. And where was that? Was that in his
18 office?

19 A. Yeah. At the police station.

20 Q. How about Mike Dennis, who is
21 Mike Dennis?

22 A. Mike who?

23 Q. Dennis, D-e-n-n-i-s.

24 A. Michael Dennis?

25 Q. Yeah.

1 A. He lived across the street from
2 551 4th Place. He's a young man. I knew his dad,
3 I knew his grandpa.

4 Q. When is the last time you saw
5 Mr. Dennis?

6 A. Months.

7 Q. Months, okay.

8 Do you know where he lives now?

9 A. I believe he's in that house.

10 Q. In that same house?

11 A. Yes.

12 Q. And that house belonged -- who did
13 that house belong to?

14 A. Penny Dennis and Loren Dennis.
15 Michael is his grandson.

16 Q. Loren's grandson?

17 A. Yeah.

18 Q. And so was he living there at the time
19 that Ms. Freeman disappeared?

20 A. Yeah. He lived there since he was
21 just a little kid.

22 Q. How old would he have been when
23 Ms. Freeman disappeared when he was living there?

24 A. 16, 17.

25 Q. And how often would you run into him

1 at that time?

2 A. Oh, he was always around the house
3 being a kid, you know. I ran into him around
4 there every time -- many times when I went over to
5 visit my sister he'd be across the street doing
6 something at his grandpa's.

7 Q. Okay. Do you recall him having
8 friends over at all?

9 A. Oh, yeah, he had friends.

10 Q. Do you recall if he had a girlfriend?

11 A. Yeah, he had girlfriends.

12 Q. Do you remember any of his girlfriends
13 in particular?

14 A. I do not.

15 Q. Who is Pat Downing?

16 A. Pat Downing, I do not know.

17 Q. Would you recognize anyone named
18 Pat Downing if you saw them on the street?

19 A. Probably not because I don't recognize
20 the name.

21 Q. Okay. Who is Kris Karcher,
22 K-a-r-c-h-e-r?

23 A. I could not tell you, sir.

24 Q. Okay. Do you know if you'd recognize
25 that person if you saw him on the street?

1 A. Probably not.

2 Q. Make sure you let me finish.

3 A. I'm sorry.

4 Q. That's okay. We'll get better at it.

5 A. Yes.

6 Q. How about Dez Couch; who is Dez Couch?

7 A. He lived on the corner there, I
8 believe. The Couch family. There are several of
9 the Couches. They live -- when you go down
10 4th Place and you turn right to go out to
11 4th Street, there's a house right there. The
12 second house in from the corner, that's the Couch
13 residence.

14 Q. Okay. Are they on West 4th Place or
15 are they on North Elm Street?

16 A. 4th Place.

17 Q. Okay. So if you were leaving Jordie's
18 house, you'd walk up West 4th Place and walk
19 past --

20 A. One block. You'd walk up that short
21 block, you turn right, and it's the second house.
22 If you turn right, it would be on the left-hand
23 side.

24 Q. Okay. So you would walk past North
25 Elm Street?

1 A. Yeah.

2 Q. Okay. How did you know -- did you
3 actually know Dez Couch, or did you just know the
4 Couch family?

5 A. I know the Couch family. His dad was
6 my woodshop teacher in school, and the family's
7 been local there for a lot of years.

8 Q. Okay. Did you know Dez Couch
9 personally?

10 A. I know who he is.

11 Q. Do you know who he is, or do you know
12 him personally?

13 A. I don't know him personally.

14 Q. Okay. Do you recall ever speaking to
15 Mr. Couch?

16 A. Oh, I probably did. I don't remember
17 any instance that I did, but I'm sure I did. I
18 waved at him when I was up there every time I
19 drove by his house, and he would be outside.

20 Q. So would you recognize him if you saw
21 him on the street?

22 A. I believe so.

23 Q. Do you know when the last time was
24 that you saw him?

25 A. It's been several years.

1 Q. Do you know if he's still alive?

2 A. I have no idea.

3 Q. Who is Ray McNeely?

4 A. He's an officer, a detective or
5 whatever from Coquille PD.

6 Q. Do you know if he's still with
7 Coquille PD?

8 A. I don't know if he is, but I
9 don't believe he is.

10 Q. Okay. Do you know where he is at this
11 point?

12 A. I couldn't tell you anything about it.

13 Q. How do you know Ray McNeely?

14 A. He used to work at Coquille Supply
15 before he became -- before he went to the academy.
16 And I used to deal with him on materials when I'd
17 come into Coquille Supply.

18 Q. Because that was one of the places you
19 shopped as a carpenter?

20 A. Yes.

21 Q. Okay. And how often would you deal
22 with him?

23 A. Once a week, once every two weeks.
24 Whenever I was supposed to pick up material for
25 jobs.

1 Q. So relatively frequently?

2 A. Yes.

3 Q. Okay. And would you recognize
4 Ray McNeely if you saw him on the street?

5 A. I haven't seen him in a long time,
6 but, yeah, I probably would. It's been years. I
7 don't know if he -- he lost his hair or grew a
8 beard or got 400 pounds I wouldn't, but...

9 Q. Right. Okay.

10 Do you know when the last time was
11 that you saw him?

12 A. It's been years.

13 Q. How about Kip Oswald, who is
14 Kip Oswald?

15 A. He's a county cop, I believe, isn't
16 he? The name sounds familiar.

17 Q. Would you know him if you saw him on
18 the street?

19 A. No.

20 Q. So when you say his name sounds
21 familiar, that's somebody you would know by
22 reputation?

23 A. Yeah.

24 Q. Do you know him personally or have you
25 ever spoken to him?

1 A. I do not.

2 Q. Okay. How about Michael Reaves, who
3 is Michael Reaves?

4 A. I know Mike, yeah.

5 Q. How do you know Mike?

6 A. He's the chief of police in Coquille.
7 And then he had a coffee shop that he bought for
8 his wife, and I frequented it once in a while. I
9 knew Mike and I knew one of his boys.

10 Q. So you'd know him if you saw him on
11 the street?

12 A. Yes, I would.

13 Q. And he's no longer in Coquille though;
14 right?

15 A. No.

16 Q. Do you know where he is now?

17 A. Well, only hearsay. He moved back, I
18 think, to Massachusetts or something for a while,
19 and that didn't work out or something. And I
20 heard that he -- from his daughter, because she
21 works at Myrtle Point Hardware. She was the
22 bookkeeper. She told me that the family moved
23 back to Louisiana.

24 Q. Okay. When is the last time you spoke
25 to Mr. Reaves?

1 A. Years.

2 Q. Okay. How about Chris Webley? Who is
3 Chris Webley?

4 A. He's an officer for Coquille, Oregon.

5 Q. A police officer?

6 A. Yeah.

7 Q. And is he still a Coquille PD officer?

8 A. He's the head of parole and probation.

9 Q. Would you recognize Mr. Webley if you
10 saw him --

11 A. I would.

12 Q. When did you first meet Mr. Webley?

13 A. Years ago, when he was an officer.

14 Q. Was it on the McGuffin case?

15 A. No. It was before that.

16 Q. Before that, okay.

17 How long did you know him before you
18 first talked to him about the McGuffin case?

19 A. A couple years, couple three years.

20 Q. Was that just like a personal
21 relationship, or was it part of an investigation
22 or something of that nature?

23 A. I don't know what you call it. It was
24 over a bar fight I was in.

25 Q. And he was investigating it?

1 A. Yeah.

2 Q. Who was the fight with?

3 A. A John Wilcox.

4 Q. What was the fight about?

5 A. I can't remember. I think he hit me
6 in the head with a beer bottle or something.

7 Q. Did he give you any indication why?

8 A. He was drunk.

9 Q. Oh, okay.

10 A. I don't drink. I haven't drank for
11 many years.

12 Q. What happened? Was he arrested?

13 A. No. I just whipped up on him a little
14 bit.

15 Q. Okay. And then Officer Webley came to
16 investigate?

17 A. Yeah. He asked what happened, I told
18 him, and he said, Well -- he wanted the address
19 and this and that, and if there's any litigation,
20 come. Nothing ever happened over it.

21 Q. Did he ask if you wanted to press
22 charges?

23 A. Yeah.

24 Q. What did you say?

25 A. And I said, No. It looks like he got

1 enough.

2 Q. And did he ask Wilcox if he wanted to
3 press charges?

4 A. Yeah.

5 Q. And what did he say?

6 A. He had had enough of it too.

7 Q. Okay. How about Cheri Mitchell, who
8 is Cheri Mitchell?

9 A. Doesn't ring a bell.

10 Q. Would you know her if you saw her on
11 the street -- recognize her?

12 A. No.

13 Q. Who is Eric Schwenninger?

14 A. Eric --

15 Q. Schwenninger. It's
16 S-c-h-w-e-n-n-i-n-g-e-r. And I believe it's
17 pronounced Schwenninger, but it may be
18 Schwenninger.

19 A. Swearinger?

20 Q. I don't think it's Swearinger.

21 A. Okay.

22 Q. But do you know somebody named
23 Eric Swearinger?

24 A. I know a family with that last name,
25 but I don't know who you're talking about --

1 Q. Okay.

2 A. -- I'm pretty sure.

3 Q. So would you recognize anyone named
4 Eric Schwenninger if you saw him on the street?

5 A. I would not.

6 Q. Who is David Zavala?

7 A. Don't know.

8 Q. So that's not a person you would
9 recognize if you saw him on the street?

10 A. I don't believe so.

11 Q. How about Scott Hamilton, who is
12 Scott Hamilton?

13 A. The name sounds familiar, but I can't
14 place him.

15 Q. So is that that you just know the
16 name, or would you --

17 A. Yeah. It's a small area, you know,
18 and I've been around here a lot of years and done
19 a lot of work for a lot of different people, a lot
20 of different jobs and a lot of different things.
21 The name sounds familiar to me, but I cannot place
22 it.

23 Q. You can't picture a face at all?

24 A. No, sir.

25 Q. How about the Hamilton family, is

1 there a Hamilton family around?

2 A. I don't know.

3 Q. How about Dave Hall? Who is
4 Dave Hall?

5 A. I believe he was an officer of the
6 law.

7 Q. For Coquille PD?

8 A. Yeah. But I may be wrong on that.
9 That's what I seem to remember.

10 Q. Okay. Did you know him personally?

11 A. No.

12 Q. Would you know him if you saw him on
13 the street?

14 A. No.

15 Q. So you just know him by reputation?

16 A. Yeah. Name.

17 Q. Okay. How about Teresa Bowersox, who
18 is Teresa Bowersox?

19 A. Not a clue.

20 Q. You don't recall ever meeting a person
21 named Teresa Bowersox?

22 A. No.

23 Q. Corey Bryant, who is Corey Bryant?

24 A. Don't know.

25 Q. Is that a name you're familiar with at

1 all?

2 A. Not the last name, no.

3 Q. Anybody you recall --

4 A. I know a lot of Coreys, but not a
5 Bryant.

6 Q. Okay. So Corey Bryant is not someone
7 you remember meeting at any point?

8 A. I don't think so.

9 Q. How about Craig Zanni, who's
10 Craig Zanni?

11 A. I know Craig well.

12 Q. Everybody knows Craig Zanni?

13 A. Yeah.

14 Q. Who is he?

15 A. He's the head sheriff for Coos County.

16 Q. Right. And how long have you known
17 Mr. Zanni?

18 A. Off and on for years.

19 Q. When is the last time you spoke with
20 Sheriff Zanni?

21 A. I saw him at a meeting a couple three
22 or four months ago.

23 Q. What was the meeting about?

24 A. It was about gun rights.

25 Q. Okay. Did you talk --

1 A. Second Amendment, yeah.

2 Q. Did you talk to him about Mr. McGuffin
3 or Leah Freeman at all?

4 A. No.

5 Q. And, of course, you would recognize
6 Sheriff Zanni if you saw --

7 A. Yes.

8 Q. -- him on the street?

9 A. Yes, sir.

10 Q. You've got to let me finish.

11 A. Yes, sir.

12 Q. Who is Kristen Steinhoff?

13 A. I know the name from Myrtle Point, the
14 Steinhoffs, and I knew a lot of them. There are a
15 bunch of them. I don't know if I could ID.

16 Q. Is the name familiar to you as
17 somebody you've met before?

18 A. I've met a lot of them.

19 Q. Okay. Do you know if you met
20 Kristen Steinhoff?

21 A. I know Terri (phonetic) Steinhoff and
22 all the different Steinhoffs. They lived outside
23 of Myrtle Point.

24 Q. Okay.

25 A. A known family.

1 Q. Do you recall meeting a person named
2 Kristen Steinhoff though?

3 A. No.

4 Q. And that's kind of one of the things I
5 want to make sure we're clarifying, is the
6 difference between knowing a name --

7 A. Right.

8 Q. -- or knowing somebody by reputation
9 and actually knowing them. Do you understand the
10 distinction?

11 A. I do.

12 Q. Okay. And so Kristen Steinhoff is not
13 somebody you would recognize if you saw her on the
14 street?

15 A. No.

16 Q. How about Ricky Crook, who is
17 Ricky Crook?

18 A. I know his dad.

19 Q. Do you know Ricky himself?

20 A. Yeah, I know Rick --

21 Q. Okay.

22 A. -- his dad.

23 Q. And would you recognize Rick Crook if
24 you saw him on the street?

25 A. The dad or the boy?

1 Q. The boy.

2 A. No.

3 Q. Have you ever met Rick, the boy,
4 before?

5 A. I'm sure I have, but it's been a lot
6 of years ago.

7 Q. Okay. How about
8 Christy Christofferson, do you know who that is?

9 A. I know a Terri (phonetic),
10 Terri Christofferson. And I think that's the
11 father, but I don't know.

12 Q. Have you ever met
13 Christy Christofferson?

14 A. No.

15 Q. Would you be able to pick him or her
16 out of a crowd?

17 A. Could not.

18 Q. How about Josh Emler, do you know who
19 that is?

20 A. No, I wouldn't be able to -- I have
21 heard of the family, but I do not know of the
22 individual.

23 Q. Okay. How about Nikki Price, do you
24 know who that is?

25 A. No.

1 Q. How about Amanda Lovell, do you know
2 who that is?

3 A. I do not.

4 Q. How about Lindsey Duvall, do you know
5 who that is?

6 A. No.

7 Q. How about Cassie Moore, do you know
8 who that is?

9 A. No.

10 Q. How about Aaron West, do you know who
11 that is?

12 A. I do not.

13 Q. How about Amanda Landmark, do you know
14 who that is?

15 A. Yeah.

16 Q. Who is Amanda Landmark?

17 A. I used to work a little bit with her
18 father, Dave Landmark, Landmark Construction.

19 Q. Okay. Are you pretty tied into most
20 of the people in the trades?

21 A. Yeah.

22 Q. So you probably know the Backman
23 family?

24 A. Yes.

25 Q. Do you know a Nick Backman?

1 A. Yes.

2 Q. Do you know him personally?

3 A. Yes.

4 Q. So that's somebody that you know the
5 name, but you also know him personally?

6 A. Yeah. I know him, his dad, and all of
7 his uncles.

8 Q. And you'd be able to pick Nick --

9 A. I've elk hunted with the dad and all
10 the uncles.

11 Q. So Nick Backman is a person that you
12 would be able to pick out of a crowd?

13 A. I could.

14 Q. Okay. And so getting back to
15 Amanda Landmark, is she somebody you could pick
16 out of a crowd, or do you just know her dad?

17 A. I just know her dad.

18 Q. Have you ever met her personally or
19 spoken with her?

20 A. I may have, but I wouldn't know. It
21 would be a passing hello meeting.

22 Q. And if you saw her on the street would
23 you recognize her?

24 A. No, sir.

25 Q. How about Lindee Kindred, do you know

1 who that is?

2 A. I do.

3 Q. Who is Lindee Kindred?

4 A. Lindee Kindred used to be a dancer at
5 the Sawdust Theatre in Coquille. And I built all
6 the props and scenery for the Sawdusters, and did
7 maintenance on their building and did some work.
8 Her dad is a Realtor for Century 21. He's the
9 head broker there. And I've done some work there,
10 and I know her from when she was down at the
11 theatre.

12 Q. At the Sawdust?

13 A. Yeah.

14 Q. So would you be able to pick her out
15 of a crowd?

16 A. I could. It's been a lot of years
17 since I've seen her. She was just a young girl
18 when I knew her, 15, 16 years old.

19 Q. Okay. Do you think you'd recognize
20 her if you saw her today?

21 A. Maybe, yeah.

22 Q. But you would have recognized her for
23 sure if you saw her back then?

24 A. Yeah.

25 Q. Okay.

1 MR. DAVIS: Would you repeat Lindee's
2 full name and spell it, please?

3 MR. LAUERSDORF: Sure. It's
4 Lindee Kindred. L-i-n-d-e-e, K-i-n-d-r-e-d.

5 MR. DAVIS: Thank you.

6 BY MR. LAUERSDORF:

7 Q. Mr. Lindegren, how are you doing? Do
8 you need a break?

9 A. No. I'm doing fine.

10 Q. Did you graduate high school?

11 A. No, sir, I did not.

12 Q. Did you go to high school?

13 A. Yes, sir, I did.

14 Q. Where did you go to high school?

15 A. Coquille High School.

16 Q. And what would have been your
17 graduating class?

18 A. 1976.

19 Q. Did you get a GED or anything like
20 that?

21 A. I did.

22 Q. When did you get your GED?

23 A. About '84 at the local college here.
24 SWOCC.

25 Q. Southwest Community College?

1 A. Yeah.

2 Q. Have you attended any other classes at
3 Southwest?

4 A. No, I haven't.

5 Q. Have you attended any other classes at
6 any other college?

7 A. No, sir.

8 Q. How about any trade schools or
9 apprenticeships, have you completed anything like
10 that?

11 A. No.

12 Q. Have you ever served in the military?

13 A. No.

14 Q. Have you ever been arrested?

15 A. Yes.

16 Q. How many times?

17 A. Oh, two or three times.

18 Q. When was the last time you were
19 arrested?

20 A. 2000, maybe, or before. It was before
21 2000.

22 Q. Okay. When was the first time you
23 were arrested?

24 A. 1982, '83.

25 Q. Why were you arrested the first time?

1 A. Fighting.

2 Q. And you were -- let's see. I guess
3 you wouldn't have been a kid exactly; right?

4 A. No. I was probably 23, 24.

5 Q. What happened when you were arrested
6 that time?

7 A. Just the numerous bar fight. Around
8 here, back in the '80s and stuff, logging was
9 still prominent, and them old loggers, they like
10 to fight. And at the time I was in real good
11 physical condition, and I'm a good-sized guy, and
12 I'm a good wrestler and a good boxer, and so I've
13 been in a few.

14 Q. Okay. Did anything happen with that
15 arrest? Were you charged with anything?

16 A. No.

17 Q. Was anybody else charged in this?

18 A. No.

19 Q. And how about the next time you were
20 arrested, what was that for?

21 A. I've had two DUIs.

22 Q. Okay.

23 A. And then I quit drinking. I haven't
24 drank in probably 27 years.

25 Q. Okay. Good for you.

1 When was the first DUI?

2 A. I can't remember. You would have to
3 investigate it.

4 Q. More than 20 years ago?

5 A. Yeah.

6 Q. When was the last DUI?

7 A. It's been over 20.

8 Q. Okay. Were you charged?

9 A. Yeah.

10 Q. So did you have -- were you convicted
11 of those things?

12 A. I just pled guilty and went through a
13 program that --

14 Q. They called it a diversion?

15 A. Diversion program.

16 Q. Okay.

17 A. Yeah.

18 Q. So other than the DUIs and times when
19 you've been involved with fighting, have you been
20 arrested for anything else?

21 A. No.

22 Q. And other than the Construction
23 Contractors Board that we talked about earlier,
24 have you ever been involved in any disciplinary
25 action?

1 A. No.

2 Q. Have you ever been sued by anyone?

3 A. No.

4 Q. Have you ever sued anyone?

5 A. No.

6 Q. Where were you employed in June of
7 2000?

8 A. Sawdust Theatre probably. I built all
9 of their props, all of their scenery, maintenance
10 on the building inside and out. Then I worked
11 other jobs, too. When I wasn't working for them,
12 I'd do other jobs for other people in the area.

13 Q. Okay. How many hours per week would
14 you say you worked at the Sawdust during the year
15 2000?

16 A. Probably 20.

17 Q. And then where would you work for the
18 rest of the week?

19 A. Just any jobs I had. You know, if
20 they had a job to build a garage or a carport or
21 go do drywall. I would pick up whatever, a few
22 extra hours every week.

23 Q. Who did you answer to at the Sawdust
24 Theatre?

25 A. The board of directors.

1 Q. And was Jordie on the board of
2 directors?

3 A. She had been, but she wasn't at the
4 time.

5 Q. She wasn't in June of 2000?

6 A. No.

7 Q. Okay. Did she get back on the board
8 of directors at some point?

9 A. No.

10 Q. When did she leave the board of
11 directors?

12 A. I have no idea.

13 Q. After she left the board of directors,
14 did she stay engaged with the theatre?

15 A. She worked backstage for a year or two
16 and then she retired from it. She used to act.
17 She was in several of the plays, and then she did
18 a lot of things at the theatre, and then she
19 retired from it.

20 Q. I saw somewhere that she had, I think,
21 written a play with some of the other folks, and
22 she --

23 A. Yeah. She wrote several plays.

24 Q. And she directed some plays, too;
25 right?

1 A. Yes.

2 Q. So you about the week of -- I want to
3 take you back and kind of narrow this down more
4 specifically. How about the week of June 25,
5 2000, where would you have been working that week?

6 A. I couldn't tell you.

7 Q. Do you know who you were working with
8 at all?

9 A. I couldn't tell you that either.

10 Q. How about 2010, do you remember when
11 you were contacted about the Freeman case again in
12 2010?

13 A. Yeah.

14 Q. Where were you working then?

15 A. I couldn't tell you. You know, my
16 jobs last from two to three days to a couple of
17 weeks, and then I finish the job and then I go on
18 to another property owner.

19 Q. Yeah. I was just thinking that --
20 because the Freeman case was a big deal in
21 Coquille; right?

22 A. Yeah.

23 Q. The whole town was talking about it?

24 A. Yeah.

25 Q. And do you remember when Chief Dannels

1 was hired, when he became the new chief?

2 A. Yeah.

3 Q. Do you remember him reopening the
4 case? Did you see anything about his press
5 announcement, anything like that?

6 A. I wasn't really interested. I'm not
7 really into, you know, what's going on around and
8 what -- I don't know how to explain it. I don't
9 care what they do, what the cops do. I want to
10 keep away from them.

11 Q. But when they contact you about --

12 A. Yeah, that's all I can talk about, is
13 when they contact me. I don't know what they did
14 or what their press conferences are.

15 Q. Okay. Fair enough.

16 But when they contact you about an
17 open investigation, that seems like it would be a
18 memorable event to me.

19 A. Yeah.

20 Q. So do you remember where you were
21 working or what you were doing when you were
22 contacted?

23 A. I don't.

24 Q. Do you remember who contacted you?

25 A. I only remember one time they

1 contacted me. I was working for a guy, and I was
2 framing in two dormers in his roof because he was
3 going to vault the ceiling of his house, and I was
4 working on that with two other guys. And my
5 sister drove out and said that the police were
6 looking for me, because she knew where the job
7 site was. And then I went -- after I finished up,
8 I went in and talked to the police.

9 Q. Do you know who you talked to?

10 A. I talked to a chief and then I talked
11 to the detective.

12 Q. Which detective?

13 A. A young man that we talked about
14 before.

15 Q. McNeely?

16 A. McNeely.

17 Q. So that would have had to have been
18 around 2010; right?

19 A. Yeah.

20 Q. Do you know if Ray --

21 A. I don't believe they talked to me
22 after they reopened the case. I think -- I can
23 only remember them talking to me one time.

24 Q. Okay. Do you know if Ray McNeely was
25 on the police force in 2000?

1 A. I don't know. But he was the one that
2 interviewed me.

3 Q. Okay. And you said you talked to a
4 chief as well. Which chief? Who was the chief?

5 A. I can't remember.

6 Q. Was it Chief Reaves?

7 A. It could have been. I do not know.

8 Q. Okay. You said you added a dormer.
9 So they were adding a second story?

10 A. Yeah. To open up the second floor,
11 they were going to take all the ceiling joists out
12 and -- a cathedral ceiling.

13 Q. And structurally you have to add the
14 dormers to add height and light and make the
15 second story sound; right?

16 A. Right.

17 Q. Who was that job for?

18 A. John -- I'll think of his last name
19 here in a second. He lives outside of Coquille.
20 He used to work at Roseburg Lumber. He retired
21 from there. I can't remember his last name. Nice
22 guy.

23 Q. Okay. And it was Jordie that came out
24 and told you the police were looking for you?

25 A. Yes.

1 Q. What did she say?

2 A. She said, John, the police have been
3 looking for you. They don't know how to get ahold
4 of you. They need to talk to you. And I said,
5 Okay. When I get off work tonight, I'll go talk
6 to them.

7 Q. Did she say why they needed to talk to
8 you?

9 A. No.

10 Q. She didn't say what it was about at
11 all?

12 A. No.

13 Q. I want to stay on the week of June 25,
14 2000. And I understand that was a long time ago,
15 but you were asked about it about ten years ago
16 and you had some memory of it, so I'm hoping you
17 still do. Do you remember anything about that
18 week in particular?

19 A. My sister had me come over on a
20 Thursday night.

21 Q. Okay.

22 A. And I had been doing -- I made sure I
23 did some work on her place once in a while. And
24 she cooked me dinner. And she was watching a TV
25 program called Survivor --

1 Q. Hold on. We're going to get to
2 Survivor in a minute.

3 A. Okay. I'm sorry.

4 Q. Other than Survivor that night, do you
5 remember anything else about that week?

6 A. No.

7 Q. Where you were working, what you were
8 doing?

9 A. Well, sure, I was either working at
10 the theatre or working somewhere else.

11 Q. Okay. And you said you were doing --
12 that you did jobs for your sister once in a while?

13 A. Yeah.

14 Q. What kind of jobs?

15 A. Worked on her property.

16 Q. Okay. What did you do for her?

17 A. Patched drywall holes, do electrical,
18 even mow her lawn once or twice, just to help her
19 out. She was my twin.

20 Q. Yep. You guys were close, I imagine?

21 A. Yes.

22 Q. And by that time your folks had moved
23 back to North Dakota; right?

24 A. That is correct.

25 Q. So you and your sister -- she was your

1 only relative in town?

2 A. That is correct.

3 Q. Okay. And so do you recall doing any
4 projects for her that week?

5 A. I couldn't tell you.

6 Q. Okay. Do you remember any of the
7 local events that were occurring around that time?
8 Like Father's Day would have been right around
9 that time. Do you remember talking to your dad at
10 all that Father's Day?

11 A. Oh, sure. I'm sure I called him on
12 Father's Day. I always did. Can I remember? No.
13 But I called him, though, I'm sure.

14 Q. That's what I'm asking about. Are you
15 saying you called him because you have a memory of
16 that, or are you saying you called him because you
17 always did --

18 A. I always called him. Like I said, I
19 can't remember the telephone call or anything that
20 we talked about, but I'm absolutely relatively
21 positive that I called him.

22 Q. Okay. How about the 50 Million Round
23 March at the Myrtle Point Sportsman Club, do you
24 remember that happening?

25 A. No.

1 Q. That was a Second Amendment rally?

2 A. I've been to a lot of different Second
3 Amendment rallies.

4 Q. But you don't remember what happened
5 around that time?

6 A. I do not. I have no idea.

7 Q. How about Gay '90s Weekend, do you
8 know what that is?

9 A. Yeah. It's a big local celebration.

10 Q. Like a festival?

11 A. Yeah.

12 Q. Do you remember that happening around
13 that time?

14 A. Yeah. That usually happens the first
15 weekend in June.

16 Q. So that would have happened a few
17 weeks earlier?

18 A. Yeah.

19 Q. Okay. Do you remember anything about
20 the Gay '90s celebration?

21 A. I don't. A couple times in the
22 celebrations over the years they have arm
23 wrestling, and I would enter that and arm wrestle.

24 Q. Do you remember if you arm-wrestled --

25 A. I didn't.

1 Q. -- the year that Ms. Freeman
2 disappeared?

3 A. I did not.

4 Q. There's a Kiwanis pancake breakfast
5 during the Gay '90s thing; right?

6 A. Yeah.

7 Q. And Jordie was active in Kiwanis;
8 right?

9 A. She was.

10 Q. Did she work the breakfast that year,
11 do you know?

12 A. I don't know.

13 Q. Were you at the breakfast that year?

14 A. I don't know. I went to several of
15 them, but I did not go to all of them. And I
16 don't know if I went that year or not.

17 Q. Okay. And I'm just trying to place
18 you back in that place and try to figure out --

19 A. I understand.

20 Q. And I know that you --

21 A. I understand.

22 Q. -- you recall that Thursday night. I
23 want to see if you recall anything else about that
24 time.

25 A. Okay.

1 Q. That's why I'm asking these questions.
2 What about fishing, were you fishing
3 or hunting at that time --

4 A. I would probably be fishing for shad,
5 because I fished for shad and that's when they run
6 in the local Coquille River. But I fish, you
7 know, steelhead in the winter, salmon in the fall,
8 and striped bass.

9 Q. How about sturgeon?

10 A. I never did fish -- you can't keep
11 them now. It's been a lot of years since you
12 could take one anyway.

13 Q. Did you still have the boat at that
14 time?

15 A. Yeah.

16 Q. Do you remember being out in the boat
17 anytime around the time that you thought you saw
18 Ms. Freeman and Mr. McGuffin?

19 A. No. Because I only used my boat --
20 it's a drift boat, so I'd only use it for
21 steelhead fishing.

22 Q. Okay. How about ocean coho, do you --

23 A. I never go out in the ocean. I
24 usually fish in the river.

25 Q. Okay.

1 A. The slough or ponds.

2 Q. Do you recall any special plans for
3 the Fourth of July you had that year?

4 A. No.

5 Q. That would have been coming up around
6 that time; right?

7 A. Yeah.

8 Q. Do you recall helping Jordie put up
9 decorations for anything for that?

10 A. Probably not.

11 Q. Did you have a daily routine at that
12 time?

13 A. In the evening sometimes if I didn't
14 go over to my sister's house, after work I'd go to
15 The Birdcage restaurant and eat dinner.

16 Q. Okay.

17 A. Then I'd go home.

18 Q. How many times a week would you go to
19 The Birdcage?

20 A. If I wasn't invited over to my
21 sister's house or -- probably just about every
22 night.

23 Q. Okay. Where was The Birdcage
24 restaurant located?

25 A. Downtown Coquille. It's been closed

1 for a few years now. It was a local restaurant.

2 Q. Do you know the street it was on?

3 A. I couldn't tell you what the name is
4 of the street.

5 Q. And where were you living at that
6 time?

7 A. Bill's Place, Oregon. Bill's Place.
8 It was a tavern. It had apartments up above, and
9 I lived in an apartment upstairs.

10 Q. Do you remember the address?

11 A. 79 West Central.

12 Q. Central Boulevard?

13 A. Yeah.

14 Q. Do you remember the apartment number?

15 A. Number 12.

16 Q. How long had you lived there at that
17 time?

18 A. A couple years probably.

19 Q. Where did you live before that?

20 A. West 17th in Coquille, Oregon.

21 Q. Do you remember the address there?

22 A. I don't remember.

23 Q. How about vehicles, what were you
24 driving back in June of 2000?

25 A. Many old trucks. I had a green

1 Toyota SR5 pickup, I had a Ford Ranger.

2 Q. What year was the SR5?

3 A. '73. It was a nice rig though.

4 Q. That was green?

5 A. Yeah.

6 Q. And you said you had a Ford Ranger?

7 A. Yeah.

8 Q. What year was that?

9 A. 1985.

10 Q. What color was that?

11 A. White.

12 Q. Was that just a standard cab or --

13 A. Yeah. A standard cab, a four-wheel
14 drive.

15 Q. Okay. Any other vehicles you were
16 driving at the time?

17 A. Lots of them. I had Jeeps and pickups
18 and trucks.

19 Q. Were Jeeps for daily driving or for
20 off-roading?

21 A. They're off-road and hunting.

22 Q. Do you remember any specific vehicles
23 you would have been driving around the time of
24 June 28th --

25 A. I had an old flat fender, 1946 CJ2A.

1 Q. What's a flat fender? I'm not
2 familiar with it.

3 A. Do you know what a military Jeep looks
4 like with the flat fenders?

5 Q. Yes.

6 A. This was the civilian model of the
7 military model. One year after the war, they
8 called them a civilian, so their designation was
9 CJ2A.

10 Q. V as in Victor?

11 A. C.

12 Q. C as in cat?

13 A. Yeah.

14 Q. CJ2A. Who is the manufacturer?

15 A. Willys.

16 Q. Okay. What color was that?

17 A. Beer bottle brown.

18 Q. What vehicle did you use most often
19 for work?

20 A. The green SR5, long box.

21 Q. So a typical evening would be either
22 at The Birdcage or at Jordie's?

23 A. Yeah.

24 Q. What about a typical morning? What
25 time would you normally get up as your daily

1 routine?

2 A. Get up by 7:00 in the morning, and I'd
3 be, by 8:00, on the job site wherever I'd be
4 working.

5 Q. Would you eat breakfast daily?

6 A. Usually not in the mornings.

7 Q. What would a typical afternoon look
8 like?

9 A. Work until, oh, 4:00, maybe 5:00
10 wherever I was working. And then I'd drive back
11 to town, and I'd go to the restaurant and eat
12 dinner when I ate there. And if I ate at my
13 sister's house, whenever she was off work, she
14 worked at the Coquille Public Library. Whenever
15 her schedule was in the evening, sometimes she got
16 off at 5:00, sometimes 6:00, I'd meet her at her
17 house and --

18 Q. Then when would you typically go to
19 bed?

20 A. When I got tired. Probably 10:30,
21 11:30, maybe.

22 Q. Other than your sister, were there any
23 people that you would speak to daily at that time?

24 A. No. Just whoever I met on the street
25 that I knew or -- nobody I'd go hang out with.

1 Q. No friends that you would hang out
2 with?

3 A. No.

4 Q. Have you ever had any close friends
5 that you hung out with on a daily basis?

6 A. No. Not on a daily basis, no.

7 Q. How about people that you hang out
8 with at least once a week?

9 A. No.

10 Q. And so you mentioned watching Survivor
11 with your sister on Thursdays. Were there any
12 other days of the week that you had some kind of
13 specific routine, like a bowling league or a movie
14 night or anything like that?

15 A. No, sir.

16 Q. So it was just on Thursdays. Was it
17 every Thursday that you'd go watch --

18 A. Yeah. I was over there every Thursday
19 for a month, probably, as it was going on.

20 Q. Was there any other day of the week
21 that you almost always went to Jordie's?

22 A. I would probably be over there two or
23 three times a week. What day it was, I
24 wouldn't -- it would be whenever I got invited to
25 a home-cooked dinner.

1 Q. Would it always be for dinner, or were
2 you over there other times during the day?

3 A. Watch football maybe.

4 Q. So that will be a Sunday?

5 A. Watch Oregon football.

6 Q. Oh, Saturday?

7 A. Yeah.

8 Q. Okay. So let's focus in more narrowly
9 on June 28, 2000. What day of the week was that?

10 A. Thursday.

11 Q. Do you recall what the weather was
12 that day?

13 A. No.

14 Q. Do you recall it being particularly
15 hot? Wet? Humid? Dry?

16 A. I don't think it was wet.

17 Q. Do you recall if it was hot or not?

18 A. I don't know if it was hot. It was
19 probably nice weather.

20 Q. Do you recall what time you woke up
21 that morning?

22 A. I have no idea.

23 Q. Do you recall -- what did you do after
24 you woke up that morning?

25 A. Probably got up, drank some coffee,

1 and went to the job I was working at.

2 Q. Okay. So when you say you probably
3 got up and drank some coffee, do you remember
4 getting up and drinking some coffee?

5 A. I drink coffee every morning. Do I
6 remember that instance? No, sir, I don't.

7 Q. And so you got up, drank some coffee,
8 and went to the job. Do you remember where the
9 job was?

10 A. Do not.

11 Q. So going back to your mind, before
12 going to Jordie's and before seeing who you
13 thought was Leah and Nick on Elm Street, do you
14 recall anything you did that day before Jordie's
15 house?

16 A. Worked.

17 Q. But do you recall where?

18 A. No.

19 Q. Do you recall who you were working
20 with?

21 A. No.

22 Q. Do you recall what you were doing?

23 A. Carpentry.

24 Q. Carpentry?

25 A. Yeah, because that's what -- at the

1 time that's all I did.

2 Q. So carpentry as opposed to masonry?

3 A. I could have been doing masonry. I
4 laid block, I do stonework, I do drywall, I do
5 many things in the trades.

6 Q. Okay. Can you tell me every place
7 that you remember going that day before going to
8 Jordie's?

9 A. (Witness shakes head.)

10 Q. No recollection?

11 A. No. See, it's hard for me to remember
12 much about what I did before this, because I had
13 no idea there was a crime committed or anything or
14 was going to be a crime committed or anything. So
15 I didn't put it in any mind. I just went about my
16 everyday.

17 Q. Right. But for some reason, ten years
18 after the fact, when Ray McNeely came and
19 interviewed you, you had these memories about that
20 day that you hadn't shared with anybody before,
21 and so I'm trying to figure out --

22 A. I can't remember. I don't know.

23 Q. Okay. Even if you don't remember what
24 project you were working on or what kind of work
25 you were doing, do you have a memory of going to

1 work that day?

2 A. I do not.

3 Q. So for all you know, you could have
4 been sitting around at home that day?

5 A. I hardly ever sat around home.

6 Q. You could have been walking around
7 town --

8 A. I could have been. I could have, yes,
9 sir.

10 Q. So at some point you go to Jordie's
11 house; is that right?

12 A. Yes.

13 Q. And Jordie is your twin sister?

14 A. Yes, sir.

15 Q. And she was working at the Coquille
16 Public Library at the time?

17 A. Yes, sir.

18 Q. On June 28, 2000?

19 A. Yes, sir. She worked there 29 years.

20 Q. Did she have a regular schedule for
21 working at the library, like Monday through
22 Friday?

23 A. Yeah. When she first started she
24 would have to work Saturdays, but she had been
25 there long enough, I'm sure it was just Monday

1 through Friday.

2 Q. So do you know if she worked that day,
3 June 28, 2000?

4 A. I believe she did.

5 Q. Did she have a set schedule of hours,
6 like 9:00 to 5:00 or 8:00 to 4:00?

7 A. I don't know what her job
8 specifications would be.

9 Q. Do you know if she was at the Sawdust
10 Theatre that day?

11 A. I have no idea.

12 Q. Do you know what time she got off work
13 at the library that day?

14 A. I believe at 5:00.

15 Q. When you went over there and had
16 dinner with her, did you talk to her about her day
17 at all?

18 A. I don't know. I probably did, but I
19 don't remember anything about it. I probably
20 said, How did your day go or dah-dah-dah, but I
21 don't remember any of it.

22 Q. Okay. Do you recall her saying
23 anything about where she had been that day?

24 A. No.

25 Q. Or who she had seen that day?

1 A. No.

2 Q. Or who she had spoken with that day?

3 A. No.

4 Q. So that was at the time she was living
5 at 551 West 4th Place in Coquille; right?

6 A. That is correct.

7 Q. Did anyone else live there with her?

8 A. No.

9 Q. Did she have pets?

10 A. Yes. Several little dogs of different
11 persuasions.

12 Q. Do you recall any of the breeds?

13 A. A Manchester terrier and the
14 long-haired Yorkshire terrier, and she had a Chow
15 dog.

16 Q. And any cats?

17 A. Probably a lot.

18 Q. Feral --

19 A. Yeah.

20 Q. -- outdoor cats?

21 A. That she fed, yeah.

22 Q. You mentioned the Couch family and the
23 Dennis family. Did you know any of her other
24 neighbors?

25 A. Yeah. I knew down at the end of the

1 road there -- I know him. I've known him for a
2 lot of years. I used to log with him.

3 Q. If you go out -- if you walk out
4 Jordie's house onto West 4th Place and you take a
5 left, there's a house down at the end of the
6 cul-de-sac; right?

7 A. Yeah.

8 Q. Is that who you're talking about?

9 A. Yeah.

10 Q. What was that neighbor's name?

11 A. Oh, I should know. I just sold him
12 that house.

13 Q. Back in 2000 you had just sold him the
14 house?

15 A. No. I just sold it to him a year ago.
16 He's the one now who owns the house.

17 Q. Okay. Is that a property that Jordie
18 owned?

19 A. Yes.

20 Q. So she owned 551 West 4th Place and
21 the neighboring house?

22 A. No. I sold him the house, 551.

23 Q. Oh, I see. Okay. So he owned the
24 house on the cul-de-sac, and then he bought her
25 old house?

1 A. Yes.

2 Q. Do you recall the name?

3 A. I'll think of it here in a minute.

4 I've known him for a lot of years. Brad Crawford.

5 Q. And he's somebody that you would be
6 able to pick out of a crowd?

7 A. Oh, yeah. He's my age.

8 Q. Okay. Back in June 28, 2000, were
9 there any members of the Couch family that you
10 knew personally and you would be able to pick out
11 in a crowd?

12 A. Yeah, probably.

13 Q. And who is that?

14 A. I know a lot of the Couch family, but
15 I don't know which one I could pick out of a -- I
16 knew who they were. I drove by and waved at them.

17 Q. Did you know any of their names?

18 A. No. I know who Dez is.

19 Q. Okay.

20 A. And I knew the dad. Spud Crouch,
21 that's what he went by. He was a long-time
22 woodshop -- at the middle school and the high
23 school.

24 Q. Was he living there?

25 A. He was long past dead, I believe.

1 Q. In June of 2000?

2 A. Yeah.

3 Q. Okay. So was Dez living there in June
4 of 2000?

5 A. I believe he was. I couldn't tell you
6 for sure.

7 Q. Did you know any of the other people
8 who were living there with Dez?

9 A. No.

10 Q. How about the Dennis family, you said
11 Michael was living there?

12 A. Yeah.

13 Q. Who else?

14 A. Penny and Loren, they were the grandma
15 and grandpa. And Kenny was the dad of Michael.
16 And he was a pretty inept guy, and he couldn't
17 take care of Michael.

18 Q. Okay.

19 A. He had a severe drug problem, and he
20 had been in and out of the pen many, many times.

21 Q. Okay. Were Penny and Loren Kenny's
22 parents?

23 A. Yeah. Penny was his mother. Loren
24 was the stepfather --

25 Q. Okay.

1 A. -- of Kenny.

2 Q. Do you know who Michael Dennis's
3 mother was?

4 A. I did not know her, no, but I hear she
5 died in a car accident.

6 Q. When he was young?

7 A. Yes.

8 Q. Okay. Anybody else living at the
9 Dennis household besides Michael, Penny, and
10 Loren --

11 A. I don't believe so.

12 Q. -- on June 28, 2000?

13 A. Yeah. They had a daughter -- she had
14 a daughter that worked in the Coos County Jail.

15 Q. Oh. Do you remember her name? What
16 was her name?

17 A. I'll think of it here in a minute. I
18 believe she retired there. She worked there many,
19 many years.

20 Q. Was she working there at the time that
21 Leah Freeman disappeared?

22 A. Yes.

23 Q. You don't remember her first name
24 though?

25 A. I will. It just don't come to mind

1 right now.

2 Q. Okay. That would have been Michael's
3 aunt?

4 A. Yes.

5 Q. How about the Crawford household, who
6 all was living in there with Brad?

7 A. Brad and Brad Jr., and Brad Sr.'s
8 wife, Becky, and Brad's dad. And that's about all
9 I know. It could have been more living there.

10 Q. Okay. So other than the Crawford
11 family, the Couch family, and the Dennis family,
12 did you know any of Jordie's other neighbors?

13 A. Yeah. Marlen Christensen lived in the
14 house with the brick wall with the two driveways.

15 Q. Where is that?

16 A. You've been up there. It would be
17 across the street next door to Dennis's house.
18 There's a brick wall with a circle driveway and
19 two driveways.

20 Q. Okay. So if you go out Jordie's house
21 and stand on West 4th Place and look straight
22 across the street, you're looking at the Dennis
23 house?

24 A. Yes.

25 Q. If you look to the right of that,

1 you're looking at the --

2 A. Marlen Christensen.

3 Q. The Christensen house, okay. And the
4 owner there was named Marlen?

5 A. Yes.

6 Q. Who lived there with Marlen?

7 A. His wife, Kay, who now teaches up at
8 Portland State University.

9 Q. So they don't live there any longer?

10 A. No.

11 Q. Did they have any children?

12 A. Yeah. Two daughters and a boy.

13 Q. Do you know any of the children's
14 names?

15 A. Stacey, and I don't know the other
16 daughter's name. It doesn't come to mind. But I
17 know Stacey. She lives in Portland now.

18 Q. How about the son?

19 A. He moved in there only for a short
20 period of time. He was Marlen's boy, not Kay's,
21 and he lives up by Portland now.

22 Q. And you say he moved --

23 A. A big blonde-haired kid. I can't
24 remember what his name was.

25 Q. Okay. And you said he moved in there

1 for a short period of time?

2 A. Yes.

3 Q. When was that?

4 A. 2000, maybe, 1999.

5 Q. So was it around the time that
6 Ms. Freeman disappeared?

7 A. It could be.

8 Q. How old would he have been at the
9 time?

10 A. 22, 24.

11 Q. Do you know where he lived before
12 that?

13 A. No. I think at Marlen's ex-wife's,
14 but she lived down in California.

15 Q. Okay. How about Stacey, how old would
16 she have been when Ms. Freeman disappeared?

17 A. At that time, probably 20.

18 Q. And how about her sister, how old
19 would she have been?

20 A. Oh, 19. They were real close together
21 in age.

22 Q. Would you see them around the
23 neighborhood often?

24 A. Yeah.

25 Q. And were they folks you would be able

1 to pick out of a crowd if you saw them?

2 A. Yeah, I could.

3 Q. So the Crawford family, the Dennis
4 family, the Couch family, the Christensen family,
5 your sister, of course. Which other neighbors did
6 you know?

7 A. Right next door to my sister's house,
8 Mrs. Chambers. Vi Chambers, that's all I know her
9 by. I guess she's in the old-folks' home now.

10 Q. Do you know if it's short for Violet?

11 A. Probably.

12 Q. Probably, or you know?

13 A. I don't know. All I have ever known
14 her by is Vi. All I know is she could talk and
15 talk and talk and talk, and you couldn't get away
16 from her.

17 Q. Okay. So she lived next --

18 A. That modular home right across from
19 the driveway of my sister's property, same side of
20 the street.

21 Q. So that would be on the corner of West
22 4th Place and North Elm; is that right?

23 A. Yes, sir. And she also owned that
24 house kitty-corner too. I've known them for a lot
25 of years, that family. Her and her husband

1 originally lived in that house. And her husband
2 was a master welder and a carpenter -- I mean,
3 mechanic. And he would help me on my Jeeps when I
4 was a young guy. He's a very good mechanic. He
5 died of cancer.

6 Q. Okay.

7 A. So she moved out of that house, and
8 they put a modular home there, and she moved into
9 the modular home, and they used that house as a
10 rental.

11 Q. So her husband died before Ms. Freeman
12 disappeared?

13 A. Yes.

14 Q. Do you know who was renting that house
15 at the time?

16 A. I believe it was Jeff Osberg.

17 Q. How do you spell that?

18 A. Jeff, J-e-f-f, O-s-b-e-r-g.

19 Q. So he would have been renting the
20 modular. Would that have been --

21 A. No. The old house.

22 Q. Oh, the old house?

23 A. Vi lived in the modular. She moved
24 into the modular home.

25 Q. So is the modular the one on the

1 corner or the kitty-corner one?

2 A. Right on the corner.

3 Q. Then where was the old house in
4 relation to the modular?

5 A. Behind it, next down.

6 Q. Okay. So as you're walking down North
7 Elm Street from West 4th Place, it's on the right?

8 A. Yes.

9 Q. It's the next house from the modular?

10 A. Yes.

11 Q. Okay. Who lived in with Jeff Osberg,
12 do you know?

13 A. His wife. She was related to the
14 Couches.

15 Q. What was her name?

16 A. I can't remember. They've been
17 divorced for a lot of years now.

18 Q. But they were married at the time
19 Ms. Freeman disappeared?

20 A. Yeah. And I knew Jeff because I
21 played football with his older brother.

22 Q. Okay. Any other families in the
23 neighborhood who you knew?

24 A. There's an old Vietnam vet that lives
25 on the corner there. A Mexican guy, nice guy. I

1 don't know what his name is, but he always talked
2 to me.

3 Q. And I'm talking about in June of 2000.

4 A. I think he lived there.

5 Q. Okay. Which corner was he on?

6 A. Right as you left my sister's house
7 and went up the street and turned right, he was
8 right across the street on that corner. There's
9 an empty lot there full of trailers and trash and
10 garbage and that stuff, and that's his property
11 there.

12 Q. Okay. So he would be -- as you're
13 turning the corner from West 4th Place onto North
14 Elm Street, he would be on the corner of West 4th
15 Place and North Elm on the left?

16 A. Yes.

17 Q. Okay. Directly across from
18 Vi Chambers?

19 A. Yes.

20 Q. Okay.

21 MR. LAUERSDORF: Let's take a break?

22 THE WITNESS: If you're into it.

23 (Recess: 12:01 p.m. to 12:08 p.m.)

24 BY MR. LAUERSDORF:

25 Q. So last we talked about was a Mexican

1 guy that lived across the street from Vi Chambers.
2 You don't recall his name at all?

3 A. No. He's a funny guy. He'll come
4 down there and holler at me (making noise), and
5 then he'd give a big grin on his face and laugh
6 and go home. And I'd drive by and he'd give me
7 the finger (making noise), and then he'd laugh,
8 and he'd talked to me.

9 Q. Okay.

10 A. A nice guy. He's just, you know --
11 he's pretty ornery.

12 Q. Other than the people we've talked
13 about, did you know anyone else in the
14 neighborhood at that time?

15 A. No.

16 Q. And this is back June 28, 2000?

17 A. Yeah.

18 Q. Okay. So I don't know why I wanted to
19 ask this, but I wanted to ask this. Did Jordie
20 have any rules about her house, when you came to
21 her house, anything like you had to take off your
22 shoes or --

23 A. No.

24 Q. What time -- on June 28, 2000, what
25 time did you arrive at Jordie's house?

1 A. I don't know for sure. I'm saying I
2 was always there to eat, so whenever she had
3 dinner. Probably 6:00, maybe.

4 Q. Okay. Was she home when you arrived
5 that night?

6 A. Yes. I never went by her house
7 without her being there.

8 Q. Okay. And how did you get there that
9 night?

10 A. I walked.

11 Q. Why did you walk?

12 A. I like to walk.

13 Q. As opposed to driving?

14 A. Yeah.

15 Q. How far a walk was it from your --
16 where you were living at that time?

17 A. Less than a quarter of a mile
18 probably.

19 Q. And where you were living from
20 Jordie's house, when you'd leave Jordie's house
21 you would go towards 42; right?

22 A. Yeah. You go down to 4th Street, and
23 then you'd go down 4th Street to Central, which is
24 Highway -- the old Highway 42.

25 Q. Okay.

1 A. And then I'd turn right and go up two
2 blocks, and then I'd turn right again, and in the
3 middle of the block is where I lived.

4 Q. Okay. So when you leave there, you're
5 headed towards Denny's Pizza, downtown that way?

6 A. Downtown.

7 Q. All right.

8 MR. DAVIS: This is Jesse Davis. You
9 broke up when you were asking the question that
10 prompted Mr. Lindegren to discuss where he was
11 walking. I just want to clarify whether the
12 question was how he -- just tell me what the
13 question was that prompted the answer, please.

14 MR. LAUERSDORF: I'm not -- I asked
15 him if he walked towards Denny's Pizza; is that
16 the question?

17 MR. DAVIS: The question before that.

18 MR. LAUERSDORF: I asked him if to go
19 back to his house when he left Jordie's, would he
20 head towards Highway 42.

21 MR. DAVIS: All right.

22 BY MR. LAUERSDORF:

23 Q. That night, June 28, 2000, what time
24 did you leave your place to go to Jordie's house?

25 A. I have no idea. I went up there to

1 eat dinner, and then I was there to watch
2 Survivor, and then when Survivor was over I left
3 her house.

4 Q. Okay. How long did it generally take
5 you to walk from your home to Jordie's house?

6 A. Not long.

7 Q. How many minutes?

8 A. Ten minutes.

9 Q. Do you remember that night when you
10 were walking from your home to Jordie's house, did
11 you stop anywhere along the way?

12 A. I don't believe so.

13 Q. You said she was home when you
14 arrived?

15 A. Yeah.

16 Q. Where in the home was she?

17 A. I can't remember that.

18 Q. Do you remember what she was doing
19 when you got there?

20 A. No.

21 Q. Was anyone else at her house when you
22 got there?

23 A. Just me and her.

24 Q. Were there any neighbors outside in
25 the neighborhood when you walked through the

1 neighborhood to her house?

2 A. I don't know.

3 Q. Did you stop and speak to anybody
4 along the way?

5 A. I don't believe so.

6 Q. What's the first thing you did when
7 you arrived at Jordie's house on that night?

8 A. Sat down in her recliner chair.

9 Q. Then what happened?

10 A. Probably -- don't know for sure, but
11 probably I greeted all of her dogs that come in
12 and tried to bite me.

13 Q. What did you do after you greeted the
14 dogs?

15 A. Talked to her, whatever she had to
16 say, I'd answer her questions or talk to her or
17 whatever. I can't remember. She probably asked
18 me what I wanted for dinner or asked me if I ate
19 or whatever. I don't know.

20 Q. When you say you greeted her dogs,
21 what's involved in greeting her dogs?

22 A. I'd pet them.

23 Q. Inside or outside?

24 A. Inside.

25 Q. Did you take them for a walk or

1 anything or go outside in the yard?

2 A. No.

3 Q. Okay. So you greeted her pets, you
4 greeted her, you talked to her a little bit. What
5 happened next?

6 A. I ate dinner, I'm sure. I can't
7 remember what we had or anything, but I ate
8 dinner.

9 Q. Did you help her prepare the meal?

10 A. No.

11 Q. What time did you start eating?

12 A. Don't know.

13 Q. Do you know how long it would have
14 been after you arrived that you started eating?

15 A. I can't tell you.

16 Q. Who cleaned up afterwards?

17 A. It wasn't me.

18 Q. What time did you finish eating and
19 cleaning up?

20 A. Can't tell you.

21 Q. Would it have been before you started
22 watching TV?

23 A. Yes.

24 Q. So who was Oca, O-c-a?

25 A. Oca, that's the big Chow dog.

1 Q. That's the Chow, okay. And whose dog
2 was that?

3 A. Mine. And she was having trouble --
4 she told me she had trouble of somebody coming in
5 her yard and peeking through the window or
6 something. And I took my old Chow dog up there,
7 and she liked the dog so much she said, You're not
8 getting the dog back.

9 Q. So how long had Oca been living with
10 Jordie at that point?

11 A. Years.

12 Q. Years?

13 A. Yeah.

14 Q. More than one?

15 A. Yeah.

16 Q. How many?

17 A. I couldn't tell you. I put her down
18 when she was 14, and my mother was still alive and
19 she died in 2008. The dog lived to be 14 years
20 old. I took her over there when she was two or
21 three years old.

22 Q. Oh, okay. So she lived with Jordie
23 for the --

24 A. A lot of years.

25 Q. For nine or more years?

1 A. Yes.

2 Q. What was Oca's routine at the time?

3 A. Just hang out in the yard, chase cats
4 and do whatever dogs do. She was a pretty mild
5 dog for a Chow, but she was real protective of my
6 sister and wouldn't let anybody get close to her.

7 Q. So if she had been living there for
8 several years at the time, Jordie was responsible
9 then for feeding her and walking her and
10 everything else?

11 A. Yeah. She took her away from me. She
12 said, This is far too nice of a dog for you, so...

13 Q. So basically she was Jordie's dog at
14 that point?

15 A. Yes.

16 Q. Okay. So did you have any
17 responsibility for feeding her or walking her?

18 A. I did not.

19 Q. Did you take Oca for a walk that day
20 at all?

21 A. I don't believe so.

22 Q. Okay. So you got over there, greeted
23 her pets, talked to Jordie a little bit, ate, and
24 then you watched some television with Jordie that
25 night?

1 A. I did, sir.

2 Q. What time did you start watching
3 television that evening?

4 A. Before the major television program
5 that she wanted me to watch with her. The program
6 came on at 8:00, so I started watching probably
7 7:30.

8 Q. Okay. What was on when you first
9 started watching?

10 A. I don't know.

11 Q. Were you watching live television or a
12 recording?

13 A. It was live.

14 Q. Did Jordie have a VCR or a way to
15 record television shows at that time?

16 A. Yes, she did.

17 Q. What kind of system did she have?

18 A. I have no idea.

19 Q. Do you know if it's a VCR or a DVR?

20 A. It took the disks, I'm sure, whatever,
21 DVD or...

22 Q. Or like a TVO. Do you know what TVO
23 is?

24 A. I don't think she had anything like
25 that.

1 Q. Did she have satellite TV?

2 A. No.

3 Q. Just regular network TV?

4 A. Yes.

5 Q. Do you know if she had cable?

6 A. Yes, she did.

7 Q. What was on the TV when you first
8 started watching TV?

9 A. I can't remember.

10 Q. Did you watch any television before
11 dinner?

12 A. I can't remember that either.

13 Q. Was the television on during dinner?

14 A. Probably.

15 Q. What was on the television during
16 dinner?

17 A. I don't know.

18 Q. Do you remember anything about it?

19 A. No. The only thing I remember, that I
20 went over there to watch Survivor and have dinner.
21 And I'm sure I watched TV previous to it.

22 Q. Okay. What was on the television
23 after dinner?

24 A. Well, I went over there to see
25 Survivor, and I watched it.

1 Q. So you don't remember anything else
2 you watched that night?

3 A. No. Just watched Survivor.

4 Q. Do you know what show was on before
5 Survivor?

6 A. I do not.

7 Q. Do you know what show came on after
8 Survivor at that time?

9 A. I do not.

10 Q. Okay. What channel was Survivor on?

11 A. I have no idea.

12 Q. What time did it start?

13 A. At 8:00.

14 Q. Which season of Survivor was it?

15 A. I don't know. With that Navy SEAL
16 guy, whatever his name was. That older Navy SEAL
17 guy was going for the champ --

18 Q. Rudy?

19 A. Rudy.

20 Q. Okay. Who was the host of the show
21 that season?

22 A. I have no idea who it was.

23 Q. Where was the show filmed that season?

24 A. Don't know.

25 Q. So you remember, like, Survivor had,

1 like --

2 A. My sister liked me to watch it because
3 I'd sit there and make comments about, That's not
4 surviving. It's a big TV joke. They don't know
5 about that stuff, you know. I've worked for
6 guides and different things. I know how it really
7 is out there.

8 Q. Do you remember they would name the
9 seasons, like Survivor Thailand or Survivor Panama
10 or Survivor --

11 A. Yeah.

12 Q. Do you remember which Survivor this
13 was?

14 A. I do not know.

15 Q. What were the names of the different
16 tribes on the show that season?

17 A. I do not know.

18 Q. Do you remember the names of any of
19 the contestants other than Rudy on the show?

20 A. I knew Rudy, and I can't remember any
21 of the others. I thought it was a pretty hokey
22 show, but I'd watch it with my sister just to
23 spend time with her.

24 Q. Did you have any favorite contestants
25 on the show?

1 A. I liked old Rudy.

2 Q. How about Jordie, did she have any
3 favorites?

4 A. I'm sure she did.

5 Q. Do you remember who?

6 A. I don't remember who.

7 Q. How many contestants were still on the
8 show that night?

9 A. On that night it was getting down real
10 close to the end. So I don't know what the count
11 was, but...

12 Q. Do you remember any of the contestants
13 who were still on the show at that time?

14 A. No.

15 Q. Who was voted off on that episode?

16 A. Don't know.

17 Q. Do you remember testifying at the
18 grand jury that it was the episode in which Rudy
19 was voted out?

20 A. It probably was. I can't remember
21 now.

22 Q. Do you remember telling me last night
23 that it was the season finale and they were --

24 A. I think so.

25 (Reporter inquires.)

1 BY MR. LAUERSDORF:

2 Q. Do you remember telling me last night
3 that it was the season finale --

4 A. Yeah.

5 Q. -- the night that they were deciding
6 the final winner?

7 A. I do.

8 Q. And is that the episode it was?

9 A. I believe so.

10 Q. Who was the final winner?

11 A. I can't remember.

12 Q. Okay.

13 A. I know that old Rudy didn't make it.

14 Q. Okay. So that was the one -- Rudy
15 didn't make it?

16 A. Yeah.

17 Q. So he was voted out that night?

18 A. I think so.

19 Q. So that was the one where the host
20 asked the final four contestants questions about
21 the people on the jury, and whoever got the most
22 answers right won immunity; is that right --

23 A. I think so.

24 Q. -- that episode?

25 Okay. And then there was a final

1 challenge where the final three contestants stood
2 on a log and held onto the immunity idol or
3 something until only one person was left standing?

4 A. I can't say for sure. I can't
5 remember much about the program. It's been
6 22 years ago or so. I know I watched it and --
7 but it never made that much of an impact. I
8 thought that the show was kind of funny, and I'd
9 joke about it with my sister.

10 Q. Do you remember telling me last night
11 that you sat down with someone from law
12 enforcement at some point and described the
13 episode to them in detail?

14 A. I did.

15 Q. Was that Ray McNeely?

16 A. I believe so.

17 Q. What did you tell him about the
18 episode?

19 A. I can't remember what I told him. I
20 told him years ago. Whatever -- whatever he took
21 down, I don't know.

22 Q. Okay. Did you describe the episode to
23 him, or did he describe the episode to you?

24 A. I couldn't tell you.

25 Q. Because last night when we talked you

1 were saying that the two of you were having a
2 conversation, and he was --

3 A. Yeah. He took me in the back room
4 there and he sat down. I believe he -- it was
5 recorded. And he asked me different questions,
6 why I was over at my sister's, what I was doing,
7 and I told him. And I'm sure whatever I was doing
8 and stuff was fresh on my mind then, and it isn't
9 now.

10 Q. And that interview was recorded?

11 A. Yes.

12 Q. What kind of questions did he ask you
13 about Survivor?

14 A. I can't remember. Just what was on
15 TV, what I was doing at my sister's house. He
16 knew my sister, and he knew --

17 Q. Yeah. It sounds like --

18 A. He wanted to talk to me.

19 Q. When we talked last night, it sounded
20 more like it was a conversation where you were
21 talking about the show and he was telling you
22 things about the show --

23 A. At that time I believe you're
24 absolutely correct.

25 Q. Okay. And you guys were kind of

1 agreeing about what happened on the show?

2 A. I believe you're correct.

3 Q. Okay. So what time did Survivor end
4 that night?

5 A. What?

6 Q. What time did Survivor end that
7 night --

8 A. 9:00.

9 Q. Let me finish.

10 A. I'm sorry, sir.

11 Q. It doesn't bother me, but we have to
12 make sure we're keeping her happy, because she's
13 the most important person in the room.

14 THE WITNESS: I'm sorry, ma'am.

15 BY MR. LAUERSDORF:

16 Q. Okay. So what time did Survivor end
17 on June 28, 2000?

18 A. 9:00.

19 Q. And did you watch the episode all the
20 way to the end?

21 A. I did.

22 Q. And did you watch any television after
23 Survivor --

24 A. None.

25 Q. None?

1 A. None.

2 Q. Okay. Did Jordie continue watching
3 television after Survivor ended?

4 A. I believe she did.

5 Q. What was she watching?

6 A. I have no idea.

7 Q. Do you recall what show usually came
8 on after Survivor?

9 A. I don't know. I was making the big
10 exit pretty soon.

11 Q. What's the big exit look like?

12 A. (Making noise) out the door.

13 Q. Okay. So you stopped watching
14 Survivor. What happened next?

15 A. I said, Well, hey, thanks for dinner.
16 Thanks a lot. I asked her, Are you working
17 tomorrow? Yeah. Well, you have a good day. She
18 probably asked me where I was working, and I'd
19 tell her the same place or if I was going
20 somewhere else. And I'd pet her dogs and (making
21 noise).

22 Q. Do you recall where you worked the
23 next day?

24 A. No.

25 Q. And when you say you pet her dogs and

1 you were out the door, is that outside? Inside?

2 A. Inside.

3 Q. Okay. And that's just a, kind of, pat
4 on the head and we'll see you later?

5 A. Yeah.

6 Q. Okay. Do you remember playing with
7 the dogs for any period of time that night?

8 A. No.

9 Q. No?

10 A. Probably not. I was probably trying
11 to get out of there. I probably had all I wanted.

12 Q. Okay. You got out the door, and what
13 happened next?

14 A. I started walking to my house.

15 Q. What time did you start your walk
16 home?

17 A. It would be ten after 9:00, maybe
18 9:15.

19 Q. Okay. So --

20 A. I left the house relatively pretty
21 quick right after it was over, and it was over at
22 9:00, so that's my best guess.

23 Q. So you think -- so if we give you kind
24 of a broad window there, it would have been
25 sometime between 9:00 and 9:15?

1 A. Yes.

2 Q. Okay. And you said it takes you about
3 ten minutes to walk home?

4 A. Yes.

5 Q. So you would have been home by 9:25 at
6 the latest?

7 A. Yeah. I'm sure of it.

8 Q. Okay. What was the weather like at
9 that time?

10 A. I don't know. I can't remember.

11 Q. Still light out?

12 A. Yeah.

13 Q. And you don't recall if it was hot or
14 cold or rainy or muggy?

15 A. Nice weather probably. I don't
16 remember it being hot or...

17 Q. Okay. So let's talk about the
18 specific path you took home. When you left
19 Jordie's house and you started walking up West
20 4th Place toward North Elm Street, did you see
21 anyone around?

22 A. Not until I turned to the right to go
23 out to 4th Street.

24 Q. Okay. When you left Jordie's house
25 and started walking up West 4th Place towards

1 North Elm Street, did you hear anything?

2 A. No.

3 Q. So when you turned the corner from
4 West 4th Place onto North Elm Street, and you were
5 looking down North Elm Street towards West
6 4th Street --

7 A. Uh-huh.

8 Q. So West 4th Place and West 4th Street
9 run parallel to each other; right?

10 A. Correct.

11 Q. And North Elm Street runs
12 perpendicular to both of them?

13 A. Correct.

14 Q. Okay. So when you turned the corner
15 on West 4th Place onto North Elm Street, and
16 you're looking towards West 4th Street, did you
17 see any vehicles?

18 A. Yeah, I seen a pickup.

19 Q. Any other vehicles on the street?

20 A. Just a pickup, because I had to walk
21 around it.

22 Q. Okay. But I'm not talking about when
23 you walked down Elm right now. I'm just --

24 A. Just looking down it.

25 Q. We're going to go real slow.

1 A. Okay.

2 Q. So I'm talking about when you just
3 return the corner on North Elm Street, and you're
4 looking down the street (unintelligible) --

5 (Reporter inquires.)

6 BY MR. LAUERSDORF:

7 Q. We're talking about when you just
8 turned the corner on West 4th Place --

9 A. I seen a pickup.

10 Q. Any other vehicles?

11 A. None that I remember.

12 Q. Okay. What did the pickup look like
13 when you first saw it there?

14 A. It was a pickup setting there in the
15 middle of the road.

16 Q. What make?

17 A. I can't remember.

18 Q. What model?

19 A. I can't remember.

20 Q. What vintage?

21 A. In the '90s probably.

22 Q. In the '90s?

23 A. Yeah.

24 Q. So newer? Older? Closer to 2000 or
25 closer to 1990?

1 A. '90s.

2 Q. Closer to 1990?

3 A. Yeah.

4 Q. What color?

5 A. I can't remember anymore.

6 Q. Did you know at some point?

7 A. See, I didn't know anything was going
8 on, so I kind of just walked on by and around the
9 rig and looked up that long driveway and...

10 Q. The long driveway towards 444 North
11 Elm Street or whatever it was?

12 A. Yeah. There's a house out on
13 Elm Street, and there's a gravel driveway that
14 goes back, and there's a house setting back behind
15 it there.

16 Q. Let's take our time getting there.

17 So other than the pickup, did you see
18 any other vehicles on North Elm Street?

19 A. I don't believe so.

20 Q. So when you turned the corner from
21 West 4th Place onto North Elm Street, and you're
22 looking down North Elm Street towards 4th Street,
23 did you see anyone around?

24 A. Not until I got down to that gravel
25 driveway.

1 Q. So when you first turned the corner
2 and you're looking down the street, you don't see
3 anyone?

4 A. No.

5 Q. None of the neighbors out in their
6 yard, no kids out playing, anything like that?

7 A. I don't believe so.

8 Q. Okay. And when you turned that corner
9 from West 4th Place onto Elm Street, and you're
10 looking down North Elm Street towards North
11 4th Street, did you hear anything?

12 A. Yeah. I could hear people talking.

13 Q. Where was that noise coming from?

14 A. From that gravel driveway.

15 Q. So somewhere down on North Elm Street?

16 A. Yes.

17 Q. Towards West 4th Street?

18 A. Yes, sir.

19 Q. What did you hear?

20 A. I heard voices.

21 Q. What kind of voices?

22 A. I just heard people talking. I don't
23 know if they were hollering. I could hear them.

24 Q. Male voices? Female voices?

25 A. Male and a female.

1 Q. Did you recognize the voices?

2 A. No.

3 Q. Had you ever heard the voices before?

4 A. No.

5 Q. What did you think about the noise at
6 the time? Did it sound like an argument? Did it
7 sound like a fight?

8 A. It sounded like people talking loudly,
9 but I don't know if they were arguing or not.

10 Q. Okay. Talking like, Hey, Mom, bring
11 me my car keys, or talking like --

12 A. I never paid attention. I'm just
13 walking home, minding my own business.

14 Q. Okay. So as you're -- now, as you're
15 walking down North Elm Street toward West
16 4th Street, did anything change in your view?

17 A. Well, I had to walk around that pickup
18 because it was setting in the road that I was
19 walking down. There's no sidewalks on Elm. It
20 just goes into people's front yard.

21 Q. Okay.

22 A. And the truck was setting there, and
23 so I just walked around the truck. And as I
24 walked around the truck I looked up the driveway
25 at a glance and I seen two people.

1 Q. So how far down North Elm Street were
2 you when you saw these two people?

3 A. I was right across from the gravel
4 driveway.

5 Q. So the first time you see them is when
6 you're at the driveway?

7 A. Yeah.

8 Q. And where were they in relation to the
9 driveway?

10 A. They were back in the driveway a ways.
11 I can't tell you how far.

12 Q. Back towards the garage?

13 A. Back towards the house back there.

14 Q. Back towards the house, okay.

15 Did you see any other people around?

16 A. None.

17 Q. Any cars drive by while you were
18 walking down North Elm Street?

19 A. None.

20 Q. No? Any neighbors out in the yard or
21 anything?

22 A. None that I could see. None that I
23 know.

24 Q. Did you stop and talk to anyone while
25 you were walking home from Jordie's that night?

1 A. I don't believe so.

2 Q. So you didn't see these two people
3 until you were right on them, essentially?

4 A. Yeah. They were 20 -- maybe 25 feet,
5 30 feet up that driveway.

6 Q. Okay. So about 25 or 30 feet away
7 from you?

8 A. Yeah. Yeah.

9 Q. What were they doing when you saw
10 them?

11 A. They were standing, oh, 6 feet apart
12 maybe.

13 Q. Were they moving around at all?

14 A. When I seen them -- I just walked by
15 and looked, and it looked like they were
16 stationary.

17 Q. Okay. Did they look like they were
18 arguing or anything?

19 A. Didn't appear to be at the time.

20 Q. Did they touch each other at any time?

21 A. I have no idea. I don't believe so.

22 Q. How long were you watching them?

23 A. As long as it took to walk across the
24 amount of that driveway. I don't know.

25 Q. So that's not very long, is it?

1 A. Seconds.

2 Q. A couple of seconds?

3 A. Yeah.

4 Q. Could you hear what they were saying?

5 A. No.

6 Q. Do you remember anything about their
7 demeanor?

8 A. None.

9 Q. Did they see you?

10 A. I believe so.

11 Q. Were they facing you at the time?

12 A. Yeah.

13 Q. Or facing each other?

14 A. Facing me when I walked by.

15 Q. Okay. And what did you do as you
16 passed by them?

17 A. I just kept on my way.

18 Q. What specifically did you hear as you
19 passed by them?

20 A. Well, nothing after they saw me and I
21 saw them. I just kept on my trail, heading home.

22 Q. So just two people?

23 A. Yes.

24 Q. What were their genders?

25 A. One female, and one male.

1 Q. And as you're looking at them, is the
2 male on the left or the right?

3 A. The left. The male was on the left.

4 Q. So the female is on the right?

5 A. Yeah.

6 Q. What age was the male?

7 A. A young man, maybe 20.

8 Q. He looked like a teenager or older
9 than a teenager?

10 A. (Unintelligible) older.

11 COURT REPORTER: Did you say "a little
12 bit older"? Is that the words you used?

13 THE WITNESS: Yeah.

14 BY MR. LAUERSDORF:

15 Q. Did you say "a little bit older" or
16 did you say "he was older"?

17 A. He was older than the female.

18 Q. Okay. Was he older than a teenager?

19 A. Yeah. Well, it appeared maybe a late
20 teens, early 20s.

21 Q. What age was the female?

22 A. Younger.

23 Q. Approximately --

24 A. Young. Looked like a 15, 16 years
25 old.

1 Q. Okay. How tall was the male?

2 A. I have no idea.

3 Q. How tall was the female?

4 A. No idea. I was 20, 30 feet. They
5 weren't close to me. I have no way of judging
6 somebody's height.

7 Q. How about weight, any idea what
8 they --

9 A. Slender.

10 Q. Slender build?

11 A. Yeah.

12 Q. Okay. How about as far as the male's
13 build goes, what do you recall about it?

14 A. Good shape.

15 Q. Good shape?

16 A. Yes.

17 Q. Muscular like a bodybuilder or --

18 A. No, not a bodybuilder, but a
19 good-shaped young man.

20 Q. Look like a football player or --

21 A. No, he wasn't bulky, just in good
22 physical condition.

23 Q. Just healthy?

24 A. Yes.

25 Q. What about the female, what kind of

1 condition was she in?

2 A. Looked like a young girl. She wasn't
3 no beast. She wasn't fat. She wasn't real tiny.

4 Q. Okay. Not petite?

5 A. No, wasn't petite.

6 Q. Okay. What was the male's hair color?

7 A. Darker brown.

8 Q. And what was the length of his hair?

9 A. On his ears, but not long.

10 Q. So not a crewcut or anything?

11 A. I don't know what kind of haircut --

12 I'm not a connoisseur of somebody's haircut.

13 Q. Okay. How about the female, what was
14 her hair color?

15 A. Kind of a -- a lighter brown.

16 Q. And what was her hair length?

17 A. I think it was longer, my remembering
18 it.

19 Q. Okay. Do you know if it was tied back
20 in a ponytail or anything like that?

21 A. I've been asked that before in court.
22 I don't remember it as such.

23 Q. Okay. When you say long, do you mean
24 passed shoulder length?

25 A. Yeah.

1 Q. Okay. Were you able to tell the color
2 of either of their eyes?

3 A. No.

4 Q. Too far away for that?

5 A. Yeah.

6 Q. Were you able to tell anything about
7 their complexion? Were they tan? Were they --

8 A. Couldn't tell.

9 Q. Could you tell if the female was
10 wearing makeup at all?

11 A. Couldn't tell.

12 Q. What was the male wearing?

13 A. Couldn't tell.

14 Q. Could you tell if he was wearing
15 tennis shoes or boots?

16 A. I have no idea. I was just walking
17 by. I didn't know I was supposed to watch. I
18 didn't know anything was going to happen or had
19 happened or -- so I was just walking by, dah-dah,
20 dah-dah, dah, you know.

21 Q. And you just walked by in a matter of
22 seconds?

23 A. Yeah.

24 Q. And it was over like that (making
25 motion) essentially?

1 A. Yeah.

2 MR. LAUERSDORF: For the record, I
3 snapped my fingers.

4 THE WITNESS: You did.

5 BY MR. LAUERSDORF:

6 Q. As far as the male goes, what was the
7 expression on the male's face?

8 A. He just looked at me.

9 Q. What was his posture?

10 A. He was upright, hands down to his
11 sides.

12 Q. Did he look like he was in an
13 aggressive posture or --

14 A. No, he was not at the time.

15 Q. How about the female, can you tell me
16 anything about her?

17 A. She was standing there a little
18 sideways to me, facing him a little bit, but it
19 was angling off to me, and I was walking down this
20 way (indicating). He was facing me, and she was
21 at about a 45-degree, maybe a 22-and-a-half-degree
22 angle.

23 Q. What was the expression on her face?

24 A. I couldn't tell.

25 Q. Could you tell if either of them had

1 been crying?

2 A. Couldn't tell.

3 Q. Were either of them red-faced?

4 A. No idea.

5 Q. Okay. Did you see anyone else in that
6 area as you passed by the two people?

7 A. Nobody.

8 Q. Were there any vehicles in your line
9 of sight as you passed by them?

10 A. Just that truck I walked around. And
11 I continued on my way to 4th Street.

12 Q. And that truck was parked on the road;
13 is that right?

14 A. Yeah. No other place to park it.

15 Q. Was it parked in the middle of the
16 road or on the side of the road?

17 A. Over to the right. It was facing --
18 when I was walking from 4th Place down to 4th, the
19 grille was facing me.

20 Q. Okay. So it was pointed up -- it was
21 pointed towards West 4th Place?

22 A. Yes.

23 Q. And it was on -- as you were walking
24 down the road --

25 A. It was on the right side of the road,

1 like you'd been driving on that side of the road.

2 Q. So as you're walking towards West
3 4th Street --

4 A. Yes.

5 Q. -- it was on the right or the left?

6 A. When I am facing 4th Street, it would
7 be on my left.

8 Q. Okay. So it was parked in the
9 direction of traffic?

10 A. Yes.

11 Q. It wasn't parked against traffic?

12 A. It was not.

13 Q. Okay. And it wasn't in the driveway?

14 A. No.

15 Q. Okay. And was there anything about
16 the position of that truck or the two people that
17 made you think that the vehicle belonged to either
18 of the people?

19 A. No. Didn't have any idea who belonged
20 to the truck. I hadn't seen the truck up there
21 before.

22 Q. Did either of the two people
23 acknowledge you?

24 A. No.

25 Q. Say hi or anything?

1 A. I don't believe so.

2 Q. Did you wave to them?

3 A. I may have, I may not have, I don't
4 know. I don't remember anything about that.

5 Q. After you passed the two people, did
6 you look back at them before turning the corner
7 from North Elm Street onto West 4th Street?

8 A. No.

9 Q. But even if you had, you wouldn't have
10 been able to see them because they weren't in the
11 road or anything?

12 A. Right.

13 Q. Okay. When you turned the corner from
14 North Elm Street onto West 4th Street, and you
15 were looking down West 4th Street towards North
16 Central Boulevard, did you see anyone around?

17 A. Nobody. There may have been somebody
18 around, but I -- it didn't ring my bell to
19 anything, you know.

20 Q. When you turned that corner --

21 A. There could have been, because that's
22 a long road down to 4th Street there.

23 Q. That goes all the way down past
24 McKay's?

25 A. Yes.

1 Q. Okay. When you turned the corner on
2 North Elm Street onto West 4th Street, and you
3 were looking down West 4th Street towards North
4 Central Boulevard, did you hear anything?

5 A. Didn't hear anything and didn't see
6 anything. I was walking home.

7 Q. Could you still hear the people
8 talking at that time?

9 A. No. I couldn't hear them talking past
10 the driveway.

11 Q. Okay. And where did you go after
12 turning the corner from North Elm Street onto West
13 4th Street?

14 A. I walked down to where McKay's is and
15 I turned right.

16 Q. Did you stop in at McKay's at all?

17 A. I don't believe so.

18 Q. Did you pass any other people while
19 you were walking down West 4th Street towards
20 North Central?

21 A. If I did, it was uneventful. Nobody
22 that...

23 Q. Did any vehicles pass you while you
24 were walking down West 4th Street towards North
25 Central?

1 A. I cannot remember.

2 Q. Okay. And you walked all the way down
3 to North Central?

4 A. Yes.

5 Q. And you took a right?

6 A. Yes.

7 Q. Okay. And we agree that you would
8 have arrived home no later than 9:25 p.m.?

9 A. Right.

10 Q. Okay. Did you see anyone that you
11 believed to be Nick McGuffin at any other time
12 that night either before or after you walked past
13 the two people on North Elm Street?

14 A. No.

15 Q. Did you see anyone you believe to be
16 Leah Freeman at any other time that night either
17 before or after you walked past the two people on
18 North Elm Street?

19 A. No.

20 Q. Did you see -- and these questions are
21 kind of long, but I have to ask them, so let me
22 finish; okay?

23 A. That's fine.

24 Q. Did you see any vehicle that night at
25 any time either parked somewhere or on the road

1 that you recognize as the vehicle belonging to
2 Nick McGuffin or the McGuffin family?

3 A. No.

4 Q. Did you at any time that night see a
5 blue late 1960s model Ford Mustang?

6 A. None.

7 Q. Did you speak to anyone between the
8 time you left Jordie's house and the time you
9 arrived home that evening?

10 A. No.

11 Q. Did you return to Jordie's house at
12 any time that night after turning the corner from
13 West 4th Place onto North Elm Street?

14 A. No.

15 Q. When is the next time you spoke with
16 Jordie after leaving her house that evening?

17 A. Next couple days probably.

18 Q. Do you remember if you spoke to her
19 the next day?

20 A. I don't know. I wouldn't know. I'd
21 go into the library to get on the computer to
22 check my email. I wouldn't do it every day. I
23 don't know if I'd seen her the next day.

24 Q. Okay. Do you know if you would have
25 talked to her, like, by phone?

1 A. The next day, probably not.

2 Q. Okay. Did you talk to her by phone
3 frequently or was it mostly in person?

4 A. I'd go into the library, I'd go in
5 there and look at the magazines, read the
6 newspaper, check my email, see her. I'd probably
7 be in there about three times a week maybe.

8 Q. Okay. When did you first become aware
9 that Leah Freeman was missing?

10 A. My sister told me.

11 Q. Okay. When was that?

12 A. Days later.

13 Q. "Days," like as much as a week?

14 A. It could have been.

15 Q. Okay. Do you remember the specific
16 date she told you that?

17 A. I do not know.

18 Q. Did you see any flyers posted around
19 town about Ms. Freeman's disappearance?

20 A. There were posters. I don't know if I
21 seen them before I talked to my sister or after.
22 I don't know.

23 Q. Did you read about Ms. Freeman's
24 disappearance in the newspaper at all?

25 A. Maybe. I'm sure. It was a big deal.

1 Q. Okay. Yeah. Were you aware there was
2 a reward offered for information?

3 A. No.

4 Q. So would Jordie have been the first
5 person you heard anything about it from?

6 A. Yeah, probably.

7 Q. Where were you when she told you about
8 it?

9 A. Probably at the library. If I wasn't
10 at her house or invited over, I would see her at
11 her job.

12 Q. Okay. Was there anyone else there at
13 the time that you remember?

14 A. Don't know.

15 Q. What specifically did she tell you?

16 A. She said, Yeah, they're looking for
17 Leah and this and that. I said, I think I seen
18 them when I left your house.

19 Q. Okay. And what did she say to that?

20 A. Oh, really? Yeah, I said, I believe I
21 did, and she said, Oh.

22 Q. What happened next?

23 A. Then I didn't -- that's all I said.
24 And she was the one who contacted the Coquille PD.
25 I didn't because I didn't think it was any big

1 deal.

2 Q. Did you know when she contacted
3 Coquille PD?

4 A. I have no idea.

5 Q. Do you know how she contacted them?

6 A. No idea. I don't know if she drove up
7 there and talked to them, I don't know if she
8 talked to them down at her job site, I don't have
9 any idea.

10 Q. Okay. When you were talking to Jordie
11 for that first time when she told you that they
12 were looking for Ms. Freeman, was that the first
13 time that you mentioned to anyone that you had
14 seen --

15 A. Yes.

16 Q. -- who you believe to be Leah Freeman
17 and Nick McGuffin?

18 A. Yes.

19 Q. When was the first time you spoke to
20 police about Ms. Freeman?

21 A. It was a month or two after that.

22 Q. A month or two after Jordie told you
23 about it?

24 A. Yeah.

25 Q. Do you remember which month?

1 A. I don't know.

2 Q. Do you know if it was --

3 A. All she did is she drove out to a job
4 site and said that the officer wanted to talk to
5 me. And I got off the job site and went in and
6 they interviewed me.

7 Q. Do you know if that was after
8 Ms. Freeman's body was found?

9 A. Don't know. I don't know. I never
10 paid much attention to it because it never
11 amounted to anything to me. I didn't know
12 anything about it.

13 Q. So the first time you ever spoke with
14 police about Leah Freeman was the time that Jordie
15 came up to the job site where you were putting in
16 the dormers?

17 A. Yes, sir.

18 Q. But you don't remember what month that
19 was?

20 A. No. It was in the summer.

21 Q. And you don't remember what year it
22 was?

23 A. It was after that. It seemed like it
24 was a while.

25 Q. Okay. But you think the person you

1 spoke to at that time was McNeely?

2 A. It was.

3 Q. Did you speak to Jordie before
4 speaking to the police about Ms. Freeman?

5 A. I said I'd go talk to the police, and
6 she said, yeah, you better, and that's it.

7 Q. Did you have a conversation with her
8 at all about that night and what you'd seen that
9 night?

10 A. No. I didn't think it was any big
11 deal.

12 Q. Okay. Where were you the first time
13 you spoke to police about Ms. Freeman?

14 A. At the Coquille PD, because I went
15 over there to find out -- I didn't even know why
16 they wanted to talk to me.

17 Q. Okay. Where was the police station?

18 A. There at the old bank building.

19 Q. At the old Credit Union on North
20 Central Boulevard?

21 A. Yes.

22 Q. Was anyone else present there when you
23 spoke to McNeely?

24 A. I went in, I think I talked to the
25 chief. He made me sit out in the chair out there

1 in the waiting room for 20, 30 minutes, and then
2 he says, Okay, come back here to the room, and I
3 went back to the room and they interviewed me.

4 Q. Who was all in the room with you?

5 A. I remember McNeely, and I don't know
6 if Mr. Ulmer was there or not, I don't know.

7 Q. Was Mr. Ulmer still a Coquille police
8 officer at that time?

9 A. Maybe.

10 Q. Do you know if he --

11 A. I don't know. I know he lost his job
12 there. I didn't know him all that well. I knew
13 his dad real well, Jerry. He died of cancer. He
14 used to work at the tire shop, Coquille Tire shop.

15 Q. And you said you're pretty good
16 friends with Randy; right?

17 A. Yeah, I know Randy. I purchased
18 through the years a couple firearms.

19 Q. Okay. Is he still around?

20 A. I seen him a few months ago at a deli,
21 the highway deli.

22 Q. So he's still living in the area?

23 A. Yeah.

24 Q. As far as you know?

25 A. As far as I know.

1 Q. Okay. Do you know if Randy Ulmer and
2 Ray McNeely served at the Coquille Police
3 Department at the same time?

4 A. I believe so.

5 Q. Do you know how long --

6 A. No idea. You'd have to ask them.

7 Q. Okay. And that interview was
8 recorded?

9 A. Yes.

10 Q. Was anyone there besides McNeely and
11 possibly Ulmer?

12 A. Not that I remember.

13 Q. And what specifically did you tell
14 police at that time?

15 A. I told him I was over at my sister's
16 house, and I watched the Survivor, and then I left
17 there and I came down. I said I saw two people
18 there, I went home. And they said, Do you know
19 who the people were? And I says, Yeah, I'm
20 relatively absolutely sure it was Leah Freeman.

21 Q. And how is it that you're absolutely
22 sure?

23 A. I knew her mother and I knew
24 Rich Courtright. I knew Rich, I'd hunted with
25 him, and I knew her mom, and I knew -- I knew

1 quite a few people.

2 Q. And I get that, but this is another
3 one of those places where I'm wondering about the
4 distinction between did you know the name? Did
5 you know the family?

6 A. I hunted with Rich. So, yeah, I knew
7 him okay. We cut firewood together, we elk hunted
8 together.

9 Q. Okay. But did you know her,
10 Leah Freeman?

11 A. Are you talking about Leah?

12 Q. Freeman.

13 A. Oh, I thought you were talking about
14 Mr. Courtright.

15 Q. No.

16 A. I'm trying to explain to you how I
17 knew her.

18 Q. Right. And what you're explaining is
19 you knew her family members --

20 A. Right.

21 Q. -- and you knew of her?

22 A. Yeah. I met her and knew her. I
23 never talked to her or anything, but I had seen
24 her.

25 Q. When did you meet her?

1 A. Oh, over the years several times, I'm
2 sure, because I'd been around those people most of
3 my life.

4 Q. Okay. So you knew her family members.
5 How many times did you actually speak
6 with Ms. Freeman?

7 A. Leah?

8 Q. Yes.

9 A. Probably once.

10 Q. Where was that?

11 A. Can't tell you. I probably -- I
12 talked to her several years earlier.

13 Q. So how old was she when you talked to
14 her?

15 A. I don't know, 10, 11. Young.

16 Q. So by the time you saw the person on
17 North Elm Street, Leah Freeman would have gone
18 through puberty, she would have matured a lot, she
19 looked a little bit different than a ten-year-old;
20 right?

21 A. Absolutely.

22 Q. So how many times --

23 A. But I'm sure I'd seen her around town,
24 not to talk to her, but I knew who she was. I
25 knew who Cory was and knew...

1 Q. By 2010 Leah Freeman's picture had
2 been in the paper a lot; right?

3 A. I guess so.

4 Q. And posters had been posted all over
5 town; right?

6 A. Yeah.

7 Q. So everybody in town probably knew
8 what Leah Freeman looked like by 2010; is that
9 fair?

10 A. Yeah, absolutely fair.

11 Q. Okay. And probably same is true with
12 Nick McGuffin; right?

13 A. Yeah.

14 Q. By 2010 there were a lot of rumors
15 going around that Nick McGuffin had murdered
16 Leah Freeman?

17 A. Yeah. Well, I'll tell you just like I
18 told him, I says, I'm absolutely positive almost
19 that it was Leah Freeman that I saw.

20 Q. Did you tell him that you were
21 absolutely positive that it was Nick McGuffin you
22 saw?

23 A. I did not.

24 Q. What did you tell him about --

25 A. I said, I think it was. It looked

1 like him. I said, Good chance of it. I don't
2 know absolutely 100 percent.

3 MR. FRANZ: Andy, could you speak a
4 little bit slower and closer? It's hard to hear
5 your question.

6 MR. LAUERSDORF: Okay. I'm sorry.

7 BY MR. LAUERSDORF:

8 Q. So you told McNeely that you weren't
9 sure that it was McGuffin?

10 A. I said I wasn't absolutely positive.
11 I thought it was, but I don't know Mr. McGuffin
12 all that well. And I described the individual I
13 saw, and I says, I believe it was, but I don't
14 know.

15 Q. Okay. You said you only spoke with
16 Leah Freeman once before she went missing?

17 A. Yeah.

18 Q. And that was when she was about ten
19 years old?

20 A. Yeah.

21 Q. Who was with you when you spoke to her
22 at that time?

23 A. I don't know. Probably either her
24 Uncle Rich or somebody, you know, somebody in the
25 family, because I just don't necessarily talk to a

1 young girl on her own.

2 Q. Did you and Ms. Freeman go to the same
3 church?

4 A. No. I doubt it.

5 Q. Can you tell me the names of some of
6 her friends at that time?

7 A. I can't tell you. I don't hang out
8 with young girls, so I wouldn't know.

9 Q. Right. You would have been, what, 42
10 at the time?

11 A. Your guess is as good as mine.
12 Probably.

13 Q. What was her mom's name?

14 A. Corliss. People called her Cory.

15 Q. How did you know Cory?

16 A. I've known her for a lot of years. A
17 local family. I knew who her dad was and brothers
18 were, I knew her sister. It's a small area.

19 Q. Cory's sister?

20 A. Yeah.

21 Q. When was the last time you talked to
22 Cory Courtright before Leah disappeared?

23 A. What, sir?

24 Q. When was the last time you spoke with
25 Cory Courtright before Leah disappeared?

1 A. I can't say.

2 Q. What was Leah's dad's name?

3 A. I don't know. Oh, I do know.

4 Denny Freeman.

5 Q. How did you know Denny Freeman?

6 A. He owned Denny's Pizza.

7 Q. Did you know him personally or did
8 you --

9 A. I didn't know him personally. I did
10 business with him, and he used to race four-wheel
11 drives. So I knew he had a real hot international
12 Scout with a Pontiac big block in it that was
13 really fast.

14 Q. Did you know anything about his
15 relationship with Leah Freeman?

16 A. None.

17 Q. Did you ever see them together?

18 A. If I did, I can't remember.

19 Q. What was Leah's sister's name?

20 A. Her sister's name?

21 Q. Yes.

22 A. I have no idea.

23 Q. How about her stepmother, what is her
24 stepmother's name?

25 A. I have no idea.

1 Q. Do you know names of any of her step
2 siblings?

3 A. Don't know.

4 Q. How about her uncles, how many uncles
5 does she have?

6 A. She has Rich Courtright, and then she
7 has old -- he was an airborne guy. Vietnam. He
8 used to work for the post office. What was his
9 name? Got himself in a little legal trouble,
10 purpose snatching at the --

11 Q. Okay.

12 A. What was his name? A Vietnam. 101st
13 Airborne, Vietnam. I'm trying to think of it. A
14 referee, a football referee, high school football
15 referee also.

16 Q. How about her aunts, do you know any
17 of the names of any of her aunts?

18 A. I know a Terri.

19 Q. Terri what?

20 A. She was married to the guy who worked
21 at the post office who was the Airborne guy.

22 Q. How often did you run into Terri
23 before Leah disappeared?

24 A. I would see her whenever around town.
25 I didn't have a relationship with her in any way.

1 I knew who she was because I knew her old man.

2 Q. How many times did you see her with
3 Leah Freeman?

4 A. Don't know. I don't know if I ever
5 saw her with her.

6 Q. How many times did you see
7 Rich Courtright with Leah Freeman?

8 A. Maybe once.

9 Q. Okay. And how about the other uncle
10 who was in the Airborne, how many times did you
11 see him with Leah Freeman?

12 A. I have no idea.

13 Q. I'm trying to figure out -- because
14 when you're asked about how you know Leah Freeman,
15 you say that it's through her uncles.

16 A. Yeah. And then, see, they had an
17 antique store downtown named The Hoarder's
18 Hideout. And Corliss was friends with the owner
19 of that place, and I knew the owners of that
20 place. I frequented it quite a lot. Her name was
21 Janet Townsend, or Janet Reab was her married
22 name. R-e-a-b.

23 Q. So did Leah Freeman frequent that
24 store?

25 A. Probably not.

1 Q. So you don't recall seeing
2 Leah Freeman at that store?

3 A. No. I do remember seeing her around
4 town, just like I see everybody around town. And
5 I knew who she was. I knew who she was related
6 to. Did I have any long-term relationship or
7 knowledge of her? Absolutely not.

8 Q. Do you remember speaking with any of
9 her uncles or any of her family members after she
10 disappeared?

11 A. I believe it was -- I believe one of
12 them, yeah.

13 Q. Which one?

14 A. The Airborne guy. What's his name?
15 You said his name last night when we were at the
16 restaurant.

17 Q. I know his name, but this is your
18 deposition, so I need you to --

19 A. Yeah. I'm trying to think of it.

20 Q. Okay. Is it Bill Milton?

21 A. Billy Milton, that's his name.

22 Q. But you don't recall ever seeing
23 Leah Freeman with Bill Milton?

24 A. No.

25 Q. You also told police that you knew

1 Nick McGuffin before Ms. Freeman went missing.

2 How did you know Mr. McGuffin?

3 A. From knowing who he was. You know,
4 it's a little tiny area, everybody knows everybody
5 else.

6 Q. Yeah. And I understand you keep
7 coming back to that, but I keep coming back --

8 A. Did I know him well? Absolutely not.

9 Q. Did you ever speak to him before
10 Ms. Freeman went missing?

11 A. I don't know if I ever have. I doubt
12 it. I would have no reason to.

13 Q. Where do you think you saw him or ran
14 into him or interacted with him before Ms. Freeman
15 went missing?

16 A. Just locally around whenever I would
17 see him. I knew who he was.

18 Q. How? How did you know him?

19 A. There's 2,500 population, and I work
20 around a lot of people and see a lot of people and
21 meet a lot of people, and everybody knows
22 everybody else. You're from a big town and you
23 don't understand how the little town works.
24 Everybody knows everybody. Everybody knows me and
25 I know pretty much everybody.

1 Q. Well, I'm actually from a smaller
2 town.

3 A. Okay.

4 Q. That's why I'm asking about the
5 difference between knowing of somebody by
6 reputation or knowing a name or actually knowing
7 that person?

8 A. I didn't know him as a friend, I
9 didn't know him even as an acquaintance.

10 Q. And we already talked about a lot of
11 people that are from that town that you've agreed
12 you couldn't pick out of a crowd.

13 A. Absolutely right.

14 Q. So I come back to --

15 A. Okay.

16 Q. -- did you actually know
17 Nick McGuffin? Could you pick him out of a crowd
18 as of June 28, 2000, or had you --

19 A. A good chance of it.

20 Q. And how would you have been able to do
21 that?

22 A. By his physical appearance, face
23 structure.

24 Q. Okay. So describe his physical
25 appearance on June 28, 2000. What did he look

1 like back then, in June of 2000?

2 A. Boy, you ask some tough questions.

3 Q. Well, because I --

4 A. I understand there. You're trying
5 to -- yeah. You're trying to -- I'm going to tell
6 you the same thing I told old McNeely. I am
7 absolutely -- I knew Leah Freeman much better than
8 I knew Mr. McGuffin.

9 Q. Okay.

10 A. And I am relatively pretty absolute
11 sure I saw her. Whether I saw Mr. McGuffin there
12 or not, that's what I told Mr. McNeely, it looked
13 like him, I know who he is, but I can't say
14 100 percent.

15 Q. Okay. So I think I understand. I
16 just want to make sure that I'm understanding. So
17 I'm going to ask you a question, and it's going to
18 be a little bit longer so let me finish; okay?

19 A. You can do that.

20 Q. So as of June 28, 2000, you had spoken
21 to Leah Freeman once --

22 A. Yes.

23 Q. -- in her life when she was about ten
24 years old?

25 A. Gotcha.

1 Q. And you knew her much better than you
2 knew Mr. McGuffin. And the people you saw --

3 A. Huh-huh.

4 Q. That was a yes?

5 A. Yes.

6 Q. And the people you saw when you walked
7 down North Elm were 25 to 30 feet away from you,
8 and you only saw them for a matter of seconds; is
9 that right?

10 A. Yeah.

11 MR. FRANZ: I'm going to object to the
12 form of the question; it misstates what he
13 previously said.

14 BY MR. LAUERSDORF:

15 Q. Is there anything you didn't
16 understand about the question I just asked you?

17 A. No.

18 Q. You said previously that you'd only
19 spoken to Leah Freeman once in the past; is that
20 right?

21 A. Yes.

22 Q. Okay. That was when she was about ten
23 years old?

24 A. Yes.

25 Q. And --

1 MR. FRANZ: I'm going to object to the
2 form of the question; this has been asked and
3 answered over three times. And I move to strike
4 any more of the same questions. He's already
5 answered.

6 MR. LAUERSDORF: Well, I'm not going
7 to get into speaking objections. I'll just keep
8 asking the questions, and you can note the
9 objections.

10 THE WITNESS: So what just happened?

11 BY MR. LAUERSDORF:

12 Q. So what just happened is one of the
13 other attorneys objected and said that when I
14 asked you the question I was misstating what you
15 had said at some point in the past. And so I went
16 back to reask the question and make sure that we
17 were clear with each other about my understanding
18 of what you had said in the past.

19 A. Okay.

20 Q. And then Mr. Franz objected that I was
21 asking the question more than once.

22 A. Okay.

23 Q. So what I'm doing is --

24 A. Just legal stuff.

25 Q. Yes.

1 A. It doesn't have anything to do with
2 me?

3 Q. Right. And I'm asking the question
4 more than once because I want to make sure that
5 your understanding and my understanding are
6 correct --

7 A. Okay.

8 Q. -- and that I'm not misstating
9 anything that you've said.

10 A. Okay.

11 Q. So if I understand correctly, and I
12 understand Mr. Franz will have an objection, but
13 I'm going to ask the question again, you said
14 earlier that you'd only spoken to Ms. Freeman once
15 before she disappeared?

16 A. Correct.

17 Q. Okay. And that that was when she was
18 ten years old? Approximately --

19 A. Approximately.

20 Q. Okay. And that you knew
21 Ms. Freeman -- you said that you told McNeely that
22 you knew Ms. Freeman much better than you knew
23 Mr. McGuffin?

24 A. Absolutely.

25 Q. Okay. And then you had also said

1 earlier that when you walked past these two
2 people, you walked past them in a matter of
3 seconds; is that right?

4 A. Yes. Three to five seconds average
5 speed, probably a 14-foot-wide driveway. I don't
6 know how many seconds that would be.

7 Q. Okay. And you said earlier that they
8 were 25 to 30 feet away from you at the time you
9 saw them; is that right?

10 A. Correct.

11 Q. I just want to make sure I understand
12 all of that correctly.

13 So we're getting back now to knowing
14 Mr. McGuffin. Did you have friends in common with
15 Mr. McGuffin?

16 A. Did I have what? Friends?

17 Q. Friends in common with Mr. McGuffin or
18 any of his family members?

19 A. None that I know of.

20 Q. Did you go to the same church by any
21 chance?

22 A. No.

23 Q. Did you frequent any of the same
24 businesses?

25 A. No. He probably didn't frequent any

1 places that I did or do.

2 Q. Did you frequent any of the same
3 businesses that Leah Freeman frequented?

4 A. Maybe Denny's Pizza. That would be
5 the only one I can think of. I don't know where
6 she hung out or anything.

7 Q. Okay. How often did you go to Denny's
8 Pizza?

9 A. Fantastic pizza, so as often as I
10 wanted pizza. I don't know, three times a month.

11 Q. Do you recall seeing Leah Freeman at
12 Dennis's Pizza ever?

13 A. No.

14 Q. Did you know any of Mr. McGuffin's
15 family members?

16 A. I don't believe I do.

17 Q. Can you tell me the names of any of
18 Mr. McGuffin's friends at that time?

19 A. No.

20 Q. Did you speak with anyone from the
21 McGuffin family after Ms. Freeman disappeared?

22 A. No.

23 Q. And you said earlier that you don't
24 know who Cheri Mitchell is; is that right?

25 A. I don't think I know who

1 Cheri Mitchell is. Doesn't ring a bell.

2 Q. Do you know who Adam Mitchell is?

3 A. Don't ring a bell either.

4 Q. Did you know who Peggy Mitchell is?

5 A. Don't ring a bell.

6 Q. How are you doing?

7 A. Doing great.

8 Q. Do you want to keep going?

9 A. Yeah.

10 Q. Okay.

11 MR. LAUERSDORF: I'm going to ask you
12 to mark this as Exhibit 1.

13 (Deposition Exhibit No. 1
14 marked for identification.)

15 THE WITNESS: Now, what is this?

16 BY MR. LAUERSDORF:

17 Q. I'm going to represent to you that
18 this is an Oregon State Police document of some
19 sort. Our understanding is that these were
20 referred to as tip sheets in the Freeman
21 investigation. Have you ever seen this document
22 before?

23 A. No.

24 Q. Do you know what this document is?

25 A. No. I've never seen this document.

1 Q. And I wouldn't necessarily expect that
2 you would have.

3 A. Okay.

4 Q. But there's some information in that
5 document, and your name is on that document;
6 right?

7 A. I see it.

8 Q. Up at the top it says, Subject
9 information, Lindegren, John, James?

10 A. Yes.

11 Q. And under home address it has your
12 address?

13 A. At 79 West Central, Number 14. That
14 was upstairs of Bill's Place tavern. That's where
15 I lived.

16 Q. And that was your address --

17 A. And my old address, 985 West 17th.

18 Q. And there it says -- there's a
19 handwritten note there that says, "Moved out six
20 months ago." Any idea where that information
21 would have come from?

22 A. I have no idea.

23 Q. Is that something you recall ever
24 telling anyone?

25 A. I don't know why it's there. I don't

1 know anything. I might have moved out of there.
2 I was living there for -- in 985 for several
3 years, and then -- with a woman there, and we
4 split up.

5 Q. Okay.

6 A. So that might have something to do
7 with that, I have no idea.

8 Q. Okay.

9 A. I didn't write this.

10 Q. Right. And I understand that. I'm
11 just trying to figure out where this information
12 came from, and I'm hoping you can help me with
13 that.

14 A. Uh-huh.

15 Q. So it has your date of birth there;
16 right?

17 A. Yeah. 7/8/1958.

18 Q. We've got to be careful not to speak
19 over each other.

20 A. I'm so sorry.

21 Q. There it says, "Says he saw Leah
22 talking to Nick. Nick in brown pickup. About
23 9:15 p.m. to 9:20 p.m. on Elm."

24 A. Yeah.

25 Q. Is that something you told the police?

1 A. I'd go with 9:15 because that's
2 what -- the original time I thought I went by
3 there.

4 Q. Did you tell police that Nick was in a
5 brown pickup?

6 A. Nobody was in a brown pickup. A
7 pickup was sitting there unoccupied.

8 Q. Did you ever tell anyone that you saw
9 Nick in a brown pickup that night?

10 A. No.

11 Q. And then down below it says, "Was at
12 sister's house, 590 West 4th Place."

13 A. That's the wrong address. It should
14 be 551.

15 Q. Right. And so do you think that
16 suggests that this information didn't come from
17 you?

18 A. No, none of this information came from
19 me.

20 Q. Okay. It says there that you were at
21 your sister's house doing concrete work. Were you
22 doing concrete work that night?

23 A. No. I wasn't working on her house, I
24 was working on somebody else's house. And I was
25 probably doing concrete work because I do a lot of

1 that, but at the time I was not working on my
2 sister's house.

3 Q. Okay. And it says there, "Left at
4 21:20," which is, do you understand, military
5 time?

6 A. Yes.

7 Q. Okay. So that's 9:20. (Reading):
8 "Saw FMD speaking to WM 6-foot,
9 two-inches, lean, muscular, short
10 hair, near brown PU, crew or extended
11 cab."

12 Do you recall telling police that the
13 person you saw was 6 foot 2, lean and muscular?

14 A. Well, I figured -- well, the guy I
15 seen was lean, good physical shape, taller, but I
16 don't know how tall. And I didn't tell him -- I
17 have no idea how tall. Was not by the brown
18 pickup, and it was, I believe, an extended cab.

19 Q. Okay. Was it brown?

20 A. I believe so now. I don't know. I
21 can't remember the color.

22 Q. Okay.

23 A. It's been 22 years.

24 Q. Okay. It says there (reading): "WM
25 was unfriendly." Did you tell the police at any

1 point that either of the people you saw were
2 unfriendly?

3 A. They never said anything to me, but I
4 can't remember if I said anything to them. I
5 don't know.

6 Q. Do you see the two names down there at
7 the bottom, Reaves/Young?

8 A. I know Reaves, but I don't know who
9 Young is.

10 Q. Were you ever interviewed by
11 Chief Reaves about Leah Freeman?

12 A. No.

13 Q. And you don't know who Young is?

14 A. I have no idea who Young is.

15 (Deposition Exhibit No. 2
16 marked for identification.)

17 BY MR. LAUERSDORF:

18 Q. The court reporter has handed you
19 what's been marked as Exhibit 2. And I'm guessing
20 you've never seen that before either, but why
21 don't you take a look at it and tell me if you
22 have?

23 A. Don't look like I've ever seen it.

24 Q. Okay. Do you recognize any of the
25 three names there at the bottom of page 1,

1 Amanda Lovell, Lindsey Duvall, or Cassandra Moore?

2 A. No.

3 Q. Do you recognize the officer's name
4 down at the bottom?

5 A. Randy Ulmer. Yes, I do.

6 Q. Okay. And it says next to that that
7 this report was prepared on July 16, 2000; is that
8 right?

9 A. That's what it says here.

10 Q. Okay. If you go to page 2, at the
11 bottom there your name is down there again; right?

12 A. Lindegren, John, James, 79 West
13 Central Boulevard, Number 14, race, White, sex,
14 male, date of birth, 7/8/58. I was 42 years of
15 age. Big John, aka. Six-five, 280, stocky, gray,
16 hazel, driver's license number is correct, social
17 security number is correct, state ID, FBI, that's
18 right.

19 Q. Okay. Is six-five right?

20 A. Yeah.

21 Q. Are you taller or shorter than that?

22 A. I'm taller.

23 Q. A little bit taller than six-five?

24 A. I'm 6 foot 7.

25 Q. Okay. And then as you move on and go

1 to the page that's marked 16 at the top there.

2 A. 16?

3 Q. Yes.

4 A. There's 14, 15, 16.

5 MR. LAUERSDORF: For the record, we're
6 on what's been marked as Exhibit 2. The page that
7 we're on, at the bottom of the page it's
8 Bates-numbered 005026, the number at the top
9 right-hand corner of the page is 16 in
10 handwriting, and its printed number is page 4 of
11 the supplemental report.

12 BY MR. LAUERSDORF:

13 Q. So at the top there, that first
14 paragraph, do you see where it says, "I began my
15 investigation"?

16 A. Yes, I see that.

17 Q. Can you read that paragraph to
18 yourself, and then I'll ask you a question about
19 it.

20 A. I read it.

21 Q. It says there (reading): "Amanda told
22 me she had heard from a friend
23 of hers, Lindsey Duvall, someone
24 had told Duvall that Nick McGuffin
25 was seen driving a brown in color

1 pickup the night Freeman disappeared."

2 You didn't see McGuffin --

3 A. No. I have no idea.

4 Q. Let me finish the question.

5 A. Got it.

6 Q. You didn't see McGuffin driving a
7 brown pickup that night; is that right?

8 A. That's correct.

9 Q. And you never told anybody that?

10 A. That's absolutely correct.

11 Q. Okay. If you go down to the fifth
12 paragraph, can you read that one? It says, "I
13 located Lindsey Duvall." Can you read that
14 paragraph to yourself, and then I'll ask you
15 questions?

16 A. Yes. Okay.

17 Q. So it says there in the second
18 sentence, "Duvall told me her friend

19 Cassie Moore told Duvall and

20 Mike Dennis, who's Moore's boyfriend,

21 that Nick McGuffin was seen in the

22 area of 444-and-one-half North Elm

23 speaking with Freeman from a brown

24 pickup the night Freeman disappeared."

25 Did you talk to any of these people,

1 Cassie Moore, Duvall, Mike Dennis --

2 A. No.

3 Q. -- around that time?

4 A. No.

5 Q. And other than Mike Dennis, you said
6 you didn't know --

7 A. I do know Michael, but that's the only
8 name out of this that I know.

9 Q. Do you remember ever telling
10 Mike Dennis that you'd seen who you thought to be
11 Nick McGuffin on --

12 A. No. I never talked to Mike about it.
13 Mike never talked to me about it.

14 Q. Did you tell anyone other than Jordie?

15 A. No. I didn't think it was no big
16 thing.

17 Q. Okay. Was there anyone else in the
18 area who might have seen the people that you saw
19 there that night?

20 A. I don't know. I seen them.

21 Q. Okay.

22 A. But I don't know if anybody else did.
23 They would have to tell you.

24 Q. Okay. And then if you'll read the
25 next paragraph to yourself, I'll ask you a

1 question about that. It's the fourth one up from
2 the bottom. It starts, "I located Moore at her
3 residence."

4 A. Okay.

5 Q. The second sentence there it says,
6 "Moore told me her boyfriend,
7 Dennis, was told by his grandmother
8 of Freeman being last seen in front
9 of 444-and-one-half North Elm speaking
10 to Nick McGuffin outside a brown pickup."

11 So Mike Dennis's grandmother would
12 have been --

13 A. That's Penny.

14 Q. That's Penny, okay.

15 A. Penny Dennis.

16 Q. Did you ever talk to Penny Dennis
17 about --

18 A. No. I didn't really care -- I'm
19 sorry.

20 Q. Let me finish. Did you ever talk to
21 Penny Dennis about what you had seen that night?

22 A. No. Me and Penny -- I didn't really
23 care for Penny, and Penny did not really care for
24 me.

25 Q. Why is that?

1 A. Penny was a busybody and a mouth and
2 thought she knew everything and she didn't.

3 Q. Okay.

4 A. And I didn't care for her, and she
5 didn't really care for me.

6 Now, her husband and me were really
7 good buddies.

8 Q. Okay. Do you recall telling her
9 husband what you'd seen that night?

10 A. No.

11 Q. No, you don't recall or, no, you
12 didn't?

13 A. I didn't.

14 Q. Okay. You didn't talk to him at all
15 about it?

16 A. No. I didn't even know that --

17 MR. FRANZ: Sorry to interrupt, but is
18 it about time for a break? We've been going
19 pretty good.

20 MR. LAUERSDORF: Can you give me seven
21 more minutes? We'll break at 1:30?

22 MR. FRANZ: How much longer you got?

23 MR. LAUERSDORF: Probably an hour,
24 hour and a half.

25 MR. FRANZ: Okay. So let's break at

1 1:30.

2 MR. LAUERSDORF: Okay.

3 BY MR. LAUERSDORF:

4 Q. Okay. So --

5 A. I didn't even know that the Dennis
6 family had anything to do with this case or
7 witness or anything. All I know is what I know.

8 Q. Right. Did Jordie ever mention to you
9 her telling anyone what you had told her?

10 A. I don't know.

11 Q. Okay.

12 A. She never said anything to me that I
13 know of.

14 Q. Okay. Then if you read the last
15 paragraph on that page, it starts, "I also spoke
16 with John Lindegren."

17 A. Okay. (Reading): "I spoke with
18 John Lindegren who told me" --

19 Q. You can read it to yourself, and then
20 I'll ask you questions.

21 A. No, I don't know how that ever got
22 there.

23 Q. Hold on a second. Let me ask the
24 questions; okay? I think I know where you're
25 going, but I have to ask a question and then you

1 answer.

2 A. Okay. Continue.

3 Q. So this is Randy Ulmer reporting, and
4 he says, "I also spoke to John Lindegren." Do you
5 recall speaking with Randy Ulmer in July of 2000?

6 A. No, I don't recall it. I didn't talk
7 much to Randy, much about it. He didn't have
8 really much to do with me in this. I talked to
9 the undercover officer there, McNeely, a lot, but
10 I knew that Ulmer was around, and I know him, I
11 know who he is, and I've done business with him
12 before.

13 Q. Do you think you would remember
14 talking to him in July of 2000?

15 A. Yeah, I would remember if I did, I'm
16 sure.

17 Q. Okay. He says there --

18 A. No, I was not walking my dog.

19 Q. Okay. That was my next question. He
20 says, "I also spoke with John Lindegren
21 who told me he was walking his dog
22 on North Elm around 21:15 on
23 June 28, 2000."

24 Did you tell Randy Ulmer you were
25 walking your dog?

1 A. I don't remember talking to him about
2 it.

3 Q. Did you ever tell anybody you were
4 walking your dog that night?

5 A. No, because I wasn't.

6 Q. Okay. It says there, the next
7 sentence, "Lindegren said he saw a dark orange
8 late model Ford Ranger parked near
9 McGuffin and Freeman."

10 A. I don't know anything about it.

11 Q. Did you tell Randy Ulmer that?

12 A. I don't know anything about it.

13 Q. Do you have any recollection of
14 seeing --

15 A. This is all new to me.

16 Q. Do you have any recollection of seeing
17 a dark orange late model Ford Ranger parked near
18 the two people you saw there that night?

19 A. On that night, no.

20 Q. And you owned a Ford Ranger at the
21 time; right?

22 A. Yeah, a white color.

23 Q. But you knew a Ford Ranger when you
24 saw it?

25 A. Oh, yeah.

1 Q. Okay.

2 A. I don't remember anything about this.

3 Q. And then he says, "Lindegren provided
4 no other information."

5 So you don't remember having a
6 conversation in July of 2000, with Randy Ulmer at
7 all?

8 A. I don't.

9 MR. LAUERSDORF: Okay. That's a good
10 enough stopping place for us. So it's a little
11 bit before 1:30, but let's go ahead and take a
12 break.

13 (Recess: 1:28 p.m. to 2:04 p.m.)

14 MR. LAUERSDORF: For the record, what
15 we were referring to as that was Exhibit 2, and
16 the copy of the subpoena that I discussed with
17 Mr. Lindegren early on.

18 BY MR. LAUERSDORF:

19 Q. Were you ever asked to appear for a
20 grand jury in 2000?

21 A. (Witness shakes head.)

22 I can't remember ever going to a grand
23 jury. I can only remember testifying one time in
24 the trial. I can't...

25 Q. Did you ever speak to Paul Frasier in

1 2000?

2 A. One time. He talked to me one time.

3 Q. In 2000?

4 A. I don't know if it was 2000 or 2010.

5 Q. What did he --

6 A. But I did talk to him one time.

7 He asked me what I saw on TV, and he
8 said, Yeah, I watched the same thing, and this is
9 what happened in that -- after I told him, he
10 said, You're absolutely right, and he said okay.
11 Pretty much that's all he ever did. He only
12 talked to me for just a few minutes.

13 Q. Was that before the trial?

14 A. I believe so.

15 Q. Okay. Do you know how long before the
16 trial that was?

17 A. I have no idea.

18 Q. Was it in the courthouse?

19 A. Yeah. It was in the DA's office, I
20 think.

21 Q. Okay. So at some point then
22 Ray McNeely comes looking for you. He wants to
23 talk to you?

24 A. I don't know if he was the one who
25 come looking for me. After officer told my sister

1 that they were looking for me, and she came out
2 and she told me on the job site, and then I went
3 into the police station.

4 Q. But that was after you and Ray McNeely
5 had known each other for quite a few years --

6 A. I'd known him because he worked at
7 Coquille Supply.

8 Q. At the supply store, right.

9 A. I knew who he was, I sure did.

10 Q. So if it was him who was looking for
11 you, he knew exactly who you were. He just didn't
12 know where to find you; is that right?

13 A. Yeah.

14 Q. Okay. So that's where Jordie comes
15 in. She comes and gets you, you go down to the
16 police station and you talk with Ray McNeely?

17 A. Yeah.

18 Q. Do you remember anything about that
19 conversation?

20 A. He just asked me, like you're doing,
21 what I saw and what I did. And I'm sure I was
22 recorded. And he was writing stuff down and
23 talking to me and asking me questions. And I
24 talked to him like I am talking to you, and he
25 said, Okay, that's all we need. I never talked to

1 him ever again. Only that one time.

2 Q. Did he ask you any of the same
3 questions I'm asking you today?

4 A. Somewhat, you know.

5 Q. Do you remember any specific questions
6 that he asked you?

7 A. I don't.

8 Q. Do you remember anything specific he
9 told you?

10 A. Don't you have a recording of the
11 interview?

12 Q. We have a report, and we'll go over
13 that in a little bit. I'm just wondering, as you
14 sit here now do you recall anything specifically?

15 A. I don't.

16 Q. Okay. What happened next with you in
17 the Freeman investigation after you went down to
18 the police station and met with McNeely?

19 A. They interviewed me, and then they
20 said, Okay, that's all we need to know, and we'll
21 let you go. And I left, and I never talked to
22 another soul for a long time.

23 Q. Did you go out to North Elm Street
24 with them at some point?

25 A. No.

1 Q. You didn't go out and they asked you
2 to put some cones around and they took some
3 photos --

4 A. Oh, maybe.

5 Q. -- do you remember that?

6 A. I remember something about that, I
7 don't remember a lot about it. Yeah, I remember
8 something to do with some cones or something.

9 Q. Okay. What happened there?

10 A. I can't remember much about it.

11 Q. Do you remember being there?

12 A. I do after you mentioned the cones.
13 But before you mentioned the cones, I didn't
14 remember about it at all.

15 Q. Did McNeely ever explain to you why he
16 wanted you to come out there?

17 A. No.

18 Q. So you don't remember anything about
19 going out to North Elm Street with McNeely?

20 A. No, I don't.

21 Q. Do you remember anybody --

22 A. I remember something to do with
23 highway cones, and I don't remember much about
24 that.

25 Q. Okay.

1 A. And didn't remember until you
2 mentioned the cones. That brought me back.

3 Q. Okay. Now that I've mentioned the
4 cones and that brought you back a little bit, is
5 it bringing you back to what went on that day or
6 what you were asked to do or what you did?

7 A. The day with the cones?

8 Q. Yes.

9 A. I don't remember much. I think it was
10 in the afternoon. I think I was at work, and they
11 contacted me and wanted me to come up there.

12 Q. Okay. So did you go meet them up
13 there?

14 A. Yeah, I'm sure I did. I'm sure I
15 didn't get a ride by them.

16 Q. Okay. That was going to be my next
17 question. Do you know if you walked up there or
18 drove up there?

19 A. I probably drove at the time.

20 Q. Okay. And do you remember anything
21 about what you did once you got there?

22 A. No.

23 Q. Do you remember telling McNeely that
24 you were interviewed by an FBI agent for
25 approximately ten minutes sometime in 2000?

1 A. No.

2 Q. Do you remember testifying in grand
3 jury about being interviewed by FBI agents?

4 A. No.

5 Q. Do you remember being interviewed by
6 FBI agents?

7 A. No. I know an FBI or a justice
8 department interviewed me on another case that I
9 talked about.

10 Q. That's the one we talked about earlier
11 with Mr. Morris?

12 A. Mr. Morris. But this one, no, I don't
13 remember.

14 MR. LAUERSDORF: So let's go ahead and
15 mark this one Exhibit 3.

16 (Deposition Exhibit No. 3
17 marked for identification.)

18 BY MR. LAUERSDORF:

19 Q. Okay. So I had the court reporter
20 hand you what's been marked as Exhibit 3. Can you
21 tell me if you remember seeing that document
22 before?

23 A. Never have.

24 Q. Okay. So I'm going to represent to
25 you that that's a police report that we received

1 in discovery from the City of Coquille Police. If
2 you want to take a look at the date there under
3 the summary, it says May 18, 2010; is that right?

4 A. That's what it says.

5 Q. Okay. If you look at the second page
6 of the report, there's an officer's signature
7 there. And up above it it says, "date/officer:
8 6/1/2010, McNeely, Jr." Do you see that?

9 A. Right down here (indicating)?

10 Q. That's the signature. Up above it
11 there's a -- in print there's a --

12 A. Yeah. Date, officer, McNeely, Jr.,
13 and the incident number. Yeah, I see it.

14 Q. Okay. And so in the report there --
15 so McNeely is saying -- if you look under "Action
16 Taken" he's saying, "On May 18, 2010, around

17 1352 hours, OSP Detective Teresa Bowersox
18 and I met with John James Lindegren
19 at the Coquille Police Department."

20 Does that refresh your recollection at
21 all about what year you met with McNeely?

22 A. No. I know I only met with McNeely
23 once or twice, and it was a long time in between.

24 Q. Okay. The next -- third paragraph
25 down there, see where it starts, "I asked

1 Lindegren"?

2 A. Yeah. "If he remembered anything
3 about the night"?

4 Q. Yeah.

5 A. Yeah.

6 Q. And then he says, "Lindegren heard
7 from someone that Freeman was missing,
8 and he knew he had just seen Freeman
9 with McGuffin the night before by
10 his sister's house."

11 But if I understood you correctly
12 earlier, you said you told McNeely that you
13 weren't 100 percent sure it was McGuffin?

14 A. Yeah. I told him, I says, you know, I
15 know -- I can relatively say that I knew who
16 Freeman was, but I'm not absolutely positive it
17 was McGuffin.

18 Q. Okay. And then on the next line there
19 he says, "Lindegren told me he remembers that
20 night because he was watching the
21 TV show Survivor with his sister."

22 Do you see that?

23 A. Yeah.

24 Q. So one of the things I was wondering
25 about is when you read what Randy Ulmer wrote --

1 A. I did.

2 Q. -- he said you were walking the dog --

3 A. I wasn't.

4 Q. -- and there was nothing else.

5 And then on the tip sheet that we saw
6 that you said you didn't have anything to do with,
7 nothing was mentioned about Survivor there either.

8 So one of the things I'm wondering
9 about is this is now May 2010, this is ten years
10 later?

11 A. Yeah.

12 Q. What was it that triggered your memory
13 of watching Survivor in 2010?

14 A. Something is up with this stuff here
15 that I don't understand. I remember the night,
16 and I remember walking by there, and I remember
17 talking to the cops just a little time after they
18 come out -- my sister came out, I went in, around
19 2000 I remember talking to them. I don't remember
20 talking to them in 2010.

21 Q. Okay. Okay.

22 A. I only remember talking to them one
23 time, and that was just a week or two or three or
24 whatever, you know, after the disappearance.

25 Q. Okay.

1 A. I don't remember talking to them at
2 any time after that.

3 Q. Okay. And do you remember when you
4 started talking to them if you -- or around that
5 time if you actually remembered watching Survivor
6 or if that's something that Jordie told you you
7 guys had done?

8 A. I remember watching it.

9 Q. Okay. All right.

10 So if you go down there, after that it
11 says, "Lindegren's sister still currently lives at
12 551 West 4th Street in Coquille," I guess that's
13 not right, right, because it's 4th Place in
14 Coquille?

15 A. Yeah. 551 West 4th Place.

16 Q. Right. And she lived there on
17 June 28, 2000?

18 A. Yes.

19 Q. And then he says, "Lindegren told me
20 he left his sister's house around
21 2100 hours or so and saw Leah Freeman
22 and Nick McGuffin around 2115 hours
23 on June 28th."

24 But here's my question. You said
25 earlier that it takes a total of ten minutes to

1 get from your sister's house to your home --

2 A. Yeah.

3 Q. -- down on West Central.

4 So if you left at 2100 hours --

5 A. Well, at the end -- what I said was I
6 left at the end of Survivor, which was 9:00. I
7 pet the dog, I talked to my sister a minute. I
8 didn't want to dine and dash. So I probably left
9 at ten minutes after 9:00 or even 15 minutes
10 after. And from where I saw these people from her
11 house is 100 yards.

12 Q. Okay. So it would have taken you
13 what, one, two minutes to go 100 yards?

14 A. Yeah.

15 Q. Okay.

16 A. So just what I said -- 9:15 might have
17 been 9:12, might have been 9:13, might have been
18 9:14.

19 Q. But when we spoke earlier you made
20 that noise, remember (making noise).

21 A. Yeah.

22 Q. You were (making noise) trying to get
23 out of there?

24 A. Yeah. I was trying to get out of
25 there, but I didn't -- I got out of there as fast

1 as I could.

2 Q. Okay.

3 A. But I do believe that's a correct
4 time, 10 after to 15 after, around in there,
5 that's accurate.

6 Q. Could it have been as early as 9:00?

7 A. No.

8 Q. But you said you just basically patted
9 the dogs on the head and then left.

10 A. Yeah. Wrestled around with them,
11 talked with my sister, asking her if she was going
12 to work the next day, and then (making noise), out
13 the door I went.

14 Q. Then down there if you go -- see where
15 it starts, "May 19, 2010"?

16 A. Yeah.

17 Q. So there he says, "May 19, 2010,
18 around 1200 hours" --

19 A. I don't even remember old Webley
20 having much to do with anything.

21 Q. Do you remember meeting Webley up on
22 North Elm Street?

23 A. I remember a woman maybe. I don't
24 remember much about this incident right here.

25 Q. Okay. Well, he says there that

1 (reading): "Officer Webley and I met Lindegren on
2 West 4th Street in Coquille by North Elm."

3 A. Which officer?

4 Q. This is McNeely who's writing the
5 report.

6 A. Okay.

7 Q. He says, "Officer Webley and I" --
8 meaning McNeely -- "met Lindegren on West 4th
9 Street in Coquille by North Elm.

10 Lindegren placed traffic cones
11 where he had" --

12 A. I remember a woman. I don't remember
13 McNeely.

14 Q. Okay. Do you remember placing traffic
15 cones where --

16 A. I remember some traffic cones. I
17 don't remember about what they wanted me to do
18 with them or anything. I showed up, I did what
19 they wanted me to do and left.

20 Q. Do you remember if you placed the
21 traffic cones or if they placed the traffic cones?

22 A. I don't know. I can't say for
23 absolute 100 percent.

24 Q. Okay. Do you see if you go on there
25 it says, "Lindegren placed traffic cones where he

1 had seen Freeman and McGuffin on
2 June 28, 2000, around 2115 hours."

3 And there's one more sentence. Then
4 after that it says, "Lindegren put himself around
5 5 to 7 feet from where Freeman
6 and McGuffin were standing."

7 Is that --

8 A. No. It was farther than that.

9 Q. Accurate? Because earlier you said
10 25 to 30 feet; right?

11 A. It was longer than this room. This
12 room is about 16 feet.

13 Q. Okay. And he says, "Lindegren
14 remembers saying hi to Freeman
15 and McGuffin as he passed them."

16 A. I may have said hello.

17 Q. Okay. But you're not certain?

18 A. I'm not sure now.

19 Q. Okay.

20 A. I know whoever was there never said
21 elbow to me.

22 Q. Okay. And then he says, "Lindegren
23 had me stand in the photo where
24 the pickup was parked that night."

25 Do you see that last sentence?

1 A. (Reading): "Had me stand in the photo
2 where the pickup was parked that
3 night." Okay.

4 Q. Do you remember any of that?

5 A. I don't.

6 Q. Okay.

7 A. This happened May 19, 2010. I can
8 only -- just like I told you before, I can only
9 remember so much about anything that happened
10 earlier than that. I only remember talking to
11 McNeely one time, when my sister said they were
12 looking for me and I went in and they interviewed
13 me, and then I took off and...

14 Q. Okay.

15 MR. LAUERSDORF: I'm going to have you
16 mark this as Exhibit 4.

17 (Deposition Exhibit No. 4
18 marked for identification.)

19 BY MR. LAUERSDORF:

20 Q. So I've had the court reporter hand
21 you what's been marked as Exhibit 4. And that's
22 the group of photos that we were provided in
23 discovery by I think the Coquille Police
24 Department.

25 Have you ever seen any of those photos

1 before?

2 A. I have not.

3 Q. Do those photos refresh your
4 recollection about that day at all?

5 A. No.

6 Q. About the day you were out there with
7 McNeely?

8 A. I see the pictures. I don't remember
9 the incident.

10 Q. Okay.

11 A. On the top picture of number 4 here, I
12 see two cones here, that would be somewhat close
13 to where the pickup was parked.

14 Q. Okay.

15 A. And I don't know what they --

16 Q. You're talking about page 1 of
17 Exhibit 4?

18 A. Yes.

19 Q. Who's in that photo?

20 A. It's me, and I believe it's
21 Mr. McNeely.

22 Q. Do you recognize that to be
23 Mr. McNeely?

24 A. Yeah.

25 Q. And so he says in his report there

1 (reading): "Lindegren had me stand
2 in the photo where the pickup was
3 parked that night."

4 Is he standing where the pickup was
5 parked that night?

6 A. No. I am standing where the pickup
7 was parked.

8 Q. Was the pickup parked in the middle of
9 the road?

10 A. It was parked right here on the road,
11 but on the right side of the lane with the grille
12 facing that way (indicating throughout).

13 Q. Okay. So the --

14 A. I walked around the truck this way.

15 Q. With the grille facing towards West
16 4th Place?

17 A. Yes.

18 Q. Okay. And West 4th Place, that white
19 house near the center of the photo, that's on
20 West 4th Place; right?

21 A. Yes.

22 Q. Okay. So the truck was facing that
23 way?

24 A. Yes, sir.

25 Q. And it was approximately where those

1 two cones are?

2 A. Yes.

3 Q. Did you put those cones there, or did
4 somebody else put those cones there?

5 A. I don't think I did. I can't remember
6 much about this at all. I remember something to
7 do with the cones, but I have no idea what.

8 Q. Okay. So if we go to page 2 there,
9 that's another photo of the same scene, just kind
10 of taken from further back; right?

11 A. Yes. It looks like it to me.

12 Q. And is that the driveway you were
13 talking about on the --

14 A. This one here, yes.

15 Q. Behind the brown truck?

16 A. Yeah.

17 Q. That's the driveway where you saw the
18 two folks?

19 A. When I saw the people.

20 Q. And they were further down that
21 driveway?

22 A. They were farther up this driveway.
23 They were almost to the end of this house.

24 Q. Hold on, because that's a different
25 page.

1 A. I'm sorry.

2 Q. I want to talk about page 2 right now.

3 A. Okay.

4 Q. Do you see that tan or beige pickup
5 truck there?

6 A. I do.

7 Q. Is that the truck?

8 A. No.

9 Q. Do you recall that truck being there
10 on that night?

11 A. I don't.

12 Q. How about that blue Buick there?

13 A. Don't know.

14 Q. Do you recall ever seeing that --

15 A. I never paid attention.

16 Q. Okay. Do you recall any vehicles
17 being parked on the side of the road where McNeely
18 is standing in that photo?

19 A. No, I don't.

20 Q. Let's go to page 3. That's a good
21 photo of the driveway?

22 A. Right.

23 Q. That's a carport down at the end of
24 the driveway?

25 A. Actually, it's -- yeah, it's a --

1 actually, that's a little rental house is what
2 that is.

3 Q. Okay.

4 A. And that little cover over it is a
5 mylar, a roof, a clear roof. And I saw the people
6 right here, pretty much at the end of the house or
7 maybe a little bit in this direction.

8 Q. Okay. At the end of the house toward
9 where the mylar roof is, or at the end of the
10 house where the mailbox is?

11 A. The front house here --

12 Q. Yeah.

13 A. -- within -- I don't know. Within the
14 last window in the end of the house. So that
15 would be about 30 feet.

16 Q. Okay. So not where the cones are?

17 A. No.

18 Q. Okay. Then you go to the next page.
19 That is you and Officer McNeely again; is that
20 right?

21 A. Yeah.

22 Q. But this view is facing towards West
23 4th Street; right?

24 A. Yes. You're right.

25 Q. And so where you're standing there, is

1 that about where you saw these two folks for the
2 first time when you were walking down North Elm
3 Street on --

4 A. No. I seen them back in the driveway
5 on the last picture --

6 Q. Right. But I mean --

7 A. Right there stationary. They were
8 standing. They weren't moving. They were
9 stationary.

10 Q. But where were you?

11 A. Walking down this road. I walked
12 around the truck where McNeely is, because the
13 truck was parked right here (indicating
14 throughout).

15 Q. Okay.

16 A. I went around this way, and went down
17 to 4th.

18 Q. Okay. So the truck was between you
19 and them?

20 A. Yeah.

21 Q. Okay. And so then remember we talked
22 about this earlier and I said to you, Did you see
23 them while you were walking down North Elm Street?
24 And you said, No. I didn't see them until I got
25 to the driveway --

1 A. Yeah.

2 Q. -- and I looked down the driveway?

3 So where you're standing there is
4 about where the driveway is. So is that about
5 where --

6 A. Right.

7 Q. So let me finish.

8 Is that about where you were the first
9 time you saw them?

10 A. Yeah. Right where I'm standing there,
11 yeah, probably really close.

12 Q. Okay. And then --

13 A. I was a little more towards where --
14 probably where McNeely is.

15 Q. Okay.

16 A. Because the truck was parked here,
17 right up here.

18 Q. Where the cones are?

19 A. Yeah.

20 Q. Okay. And I'm going to have you
21 actually draw some things in on the same set of
22 photos, but I'm going to give you a different copy
23 because we're going to create a new exhibit. So
24 I'm going to have you draw some things in in a
25 second, but right now I'm just trying to get a

1 sense of if that's about where you were when you
2 first saw them, then another 10 to 15 feet they
3 would have been out of sight, right --

4 A. Yeah.

5 Q. -- by the time you're where that tan
6 pickup is in this photo?

7 A. Yeah. Absolutely right.

8 Q. Okay. And then the next photo is --
9 the last photo there -- no. The next photo is --
10 that's just a photo of the front of the house at
11 444 North Elm Street; is that right?

12 A. Yes.

13 Q. You said at trial that -- I don't know
14 if this was one of the photos, but you said -- I
15 guess the next photo. Go to the last page.

16 A. (Witness complies.)

17 Q. You said that photo was an accurate
18 depiction of the scene as you saw it on June 28,
19 2000.

20 A. Yeah.

21 Q. Was it overgrown with grass and trees
22 like that?

23 A. Yeah, probably.

24 Q. Okay.

25 A. That's a good representation of that

1 property.

2 Q. Okay.

3 A. Yeah.

4 Q. Do you recall that property ever being
5 more manicured than that?

6 A. No.

7 Q. Okay. So I want to --

8 A. The people -- may I -- I see them here
9 (indicating).

10 Q. Well, hold on a second. I'm going to
11 have you mark on a different set. That's already
12 an exhibit. That's Exhibit 4.

13 A. Oh, I'm sorry.

14 Q. And now we're going to create
15 Exhibit 5.

16 (Deposition Exhibit No. 5
17 marked for identification.)

18 BY MR. LAUERSDORF:

19 Q. This next one is going to be in the
20 same order. So on that page 1 on Exhibit 5, if
21 you will, can you take this blue marker and draw
22 in where the pickup truck was on June 28, 2000,
23 when you saw it.

24 A. Where the truck was?

25 Q. Yes. Or take a look at page 2. Would

1 it be easier to put it on that page?

2 A. They're both relatively close.

3 Q. Okay. So, yeah, where the truck was
4 on June 28, 2000, when you walked past on North
5 Elm.

6 A. (Witness complies.)

7 Q. Draw an arrow to indicate the
8 direction it was pointing.

9 A. (Witness complies.)

10 Q. So it was pointing with traffic?

11 A. Uh-huh.

12 Q. Okay. And then from that photo,
13 page 1 on Exhibit 5, the place where you saw the
14 two people. Can they be put on that photo, or do
15 you have to go to a different photo?

16 A. They were up this driveway
17 (indicating).

18 Q. And you're pointing to the driveway on
19 the right side of the photo; right?

20 A. Yeah.

21 Q. Okay. So let's go to page 3 of that
22 exhibit.

23 A. Okay.

24 Q. Can you put the people -- where you
25 saw the people, can you mark that in red --

1 A. I can do that.

2 Q. -- marker on page 3 of Exhibit 5.

3 A. Okay. And I'll put the M for male and
4 the F for female.

5 Q. That would be great.

6 A. (Witness complies.)

7 Q. Before I thought you said they were
8 closer to the end of the house. Are they --

9 A. They were between the window and
10 probably back here (indicating).

11 Q. Okay.

12 A. That's just where I drew it.

13 Q. Okay. So for the record you just put
14 three red dots -- six red dots. Three under the
15 window and three at the back of the house?

16 A. I did. In between these two, I'm
17 sure.

18 Q. Okay. So they were standing in
19 between those two sets of three red dots?

20 A. With the male on my left and female on
21 my right if I turned and looked.

22 Q. And when you were out there with
23 Officer McNeely, did you tell them that that's
24 where the male and the female were when you --

25 A. Yeah, I'm sure of it.

1 Q. Okay. Okay. That is Exhibit 5. And
2 we can be done with that one.

3 A. Am I done with this red pen?

4 Q. Yes. Thank you.

5 MR. LAUERSDORF: We'll mark that
6 Exhibit 6.

7 (Deposition Exhibit No. 6
8 marked for identification.)

9 BY MR. LAUERSDORF:

10 Q. Mr. Lindegren, I've had the court
11 reporter hand you what's been marked as Exhibit 6.
12 Have you ever seen that document before?

13 A. No.

14 Q. Did Jordie ever tell you about being
15 interviewed by the police about Leah Freeman?

16 A. No.

17 Q. You never talked with her about that?

18 A. No. She never told me.

19 Q. Okay. If you'd take a look at -- I'll
20 submit to you that this is a police report written
21 by Officer Webley. If you go to the last page
22 there, there's an officer's signature line, and
23 where that printing is up above it it says
24 "5/31/2010, Webley." Do you see that?

25 A. Yes, sir. "By Webley."

1 Q. Yes. And if you go to the second page
2 there, all the way down at the bottom you'll see
3 your sister's name?

4 A. Second --

5 Q. Second page of Exhibit 6.

6 A. Yes, that's her name.

7 Q. That's your sister's name. And her
8 name is Hjordis, right, but she went by Jordie?

9 A. Right.

10 Q. So Officer Webley is saying that on
11 May 19, 2010, at approximately 1300 hours
12 (reading): "Officer McNeely and I spoke with
13 Hjordis Lindegren at the Coquille Public Library."

14 She never mentioned anything to you
15 about that?

16 A. No.

17 Q. Okay. If you go on to the next page,
18 she's talking about you being at her house on the
19 night of Leah's disappearance. And that first
20 full paragraph there she says she's an avid fan of
21 the television show --

22 A. Yeah.

23 Q. -- that you and she always watched the
24 show together on Wednesday nights and enjoyed
25 looking forward to the time together each week.

1 And then says -- he says, "Hjordis added that John
2 always brought his dog with him on those nights."

3 A. Yeah. Well, the dog lived up there.

4 Q. Yeah. I think you said earlier that
5 the dog had been living there for several years at
6 that point?

7 A. Yes.

8 Q. Okay. So --

9 A. I did not bring my dog up there. At
10 that time I did not have a dog.

11 Q. Okay.

12 A. The only dog I had she confiscated.

13 Q. Okay. And Jordie passed in 2012?

14 A. Yes.

15 Q. Okay. Do you recall her having any --
16 like any memory problems or comprehension problems
17 around 2010 or at any time before she passed?

18 A. She wasn't in good health. She had
19 sleep apnea. That's what the doctor believes took
20 her life. That caused a -- either a heart attack.
21 She had had one previous heart attack, the doctor
22 said, but he couldn't tell why or when. It had
23 been previous that she didn't know of.

24 Q. Okay. Any time before she passed in
25 2012, for the two or three years before that do

1 you recall her having any memory problems, any
2 kind of dementia, any foggiess?

3 A. I can't say one way or another.

4 Q. Okay.

5 A. I don't know. I talked to her. She
6 didn't appear to with me, but I had heard a few
7 other people mention maybe.

8 Q. Okay. On the next paragraph there she
9 says, "On the night of June 28, 2000, she recalled
10 John leaving after the show ended
11 at 2100 hours to take his dog for
12 a walk. Jordie said he might have
13 left just before the end because she
14 thought she remembered him being
15 upset about who was voted off."

16 A. No. No.

17 Q. That's not accurate?

18 A. I was upset because I had to watch it
19 with her.

20 Q. Okay. Then she says, "Hjordis said
21 that John returned about half an
22 hour later and commented on the
23 uncontrollable juveniles next door."

24 Do you remember anything about that?

25 A. No. No. Don't know anything about

1 that.

2 Q. Do you recall --

3 A. And I see something else here that's
4 weird. (Reading): "John told her that he stopped
5 and talked with Dez Couch, another neighbor."

6 Q. Right.

7 A. No.

8 Q. That didn't happen?

9 A. No.

10 Q. Then she says, let's see, one, two,
11 three, four, I guess the fourth full paragraph it
12 says, "Hjordis said at a later time the neighbor
13 Dez Couch," do you see where I'm at? I'll go
14 ahead and read it. Why don't you read silently
15 with me; okay?

16 A. Yes.

17 Q. He reports, "Hjordis said at a later
18 time the neighbor, Dez Couch, told
19 her that Leah was fighting with people
20 in the Mitchell household that night.
21 Hjordis said that Dez was often outside
22 working in the yard of the home where
23 he lived with his wife, Barbara Couch.
24 Hjordis also mentioned their daughter,
25 Brenda Perry, who lived across the

1 street."

2 Do you remember Dez Couch being out
3 there that night?

4 A. No. He wasn't.

5 Q. He wasn't?

6 A. No.

7 Q. How about Barbara Couch or
8 Brenda Perry?

9 A. I know Brenda. Brenda was married to
10 Jeff Osberg. That was her name.

11 Q. Oh, okay.

12 A. Yeah.

13 Q. Do you recall her being out there that
14 night?

15 A. No.

16 Q. Did you see anybody out there?

17 A. No.

18 Q. Okay. Then he also says there in the
19 next paragraph, the last sentence in the next
20 paragraph (reading): "Hjordis said that the day
21 after Leah went missing, the police
22 came into the library and mentioned
23 Brent Bartley since they heard he
24 had seen Leah the night before."

25 Do you know who Brent Bartley is?

1 A. I don't know him, but I know who he
2 is, just like -- yeah.

3 Q. Would you be able to pick him out of a
4 crowd?

5 A. Probably not.

6 Q. Okay. And so it sounds like Hjordis
7 learned about Leah's disappearance the day after?

8 A. Yeah, I'm sure.

9 Q. Would she have told you about it that
10 soon?

11 A. I don't think I saw her the next day.
12 I think it was a couple days until I went into the
13 library.

14 Q. Okay. That's it for that one. You
15 can hand that to the court reporter.

16 So one of the other things that was
17 produced to us in discovery was an email between
18 Mark Dannels and Paul Frasier on Wednesday,
19 May 19, 2010. And in there Dannels says to
20 Frasier (reading): "By the way, we spoke to

21 Big John yesterday, and he advised
22 and showed us that he went to his
23 sister's residence on Elm, less than
24 a block from Cheri Mitchell's residence,
25 and watched Survivor until 9 p.m. on

1 June 28, 2000. He left minutes later
2 and saw Nick McGuffin and Leah together
3 on Elm Street. He knows both of them."

4 And then he said (reading): "In the
5 original report, he thought the
6 Mitchell house was Leah's house. And
7 after showing us exactly where he
8 was talking about, he was confused
9 between Leah and Mitchell."

10 A. Who was?

11 Q. You were.

12 A. Me?

13 Q. Yeah.

14 A. No.

15 Q. And I understand from talking to you
16 earlier, that you don't know Cheri Mitchell and
17 wouldn't be able to pick her out of crowd?

18 A. No.

19 Q. But did you ever express to anybody in
20 law enforcement that you were confused between
21 Leah Freeman and somebody named Mitchell?

22 A. No. All I know is what I told them.
23 I said I'm reasonably positive that Leah was
24 there. Mr. McGuffin, I believe it was him, but I
25 couldn't say 100 percent or even 50 percent. I

1 never really knew him or met him much. I knew who
2 he was, and that's who it appeared to me.

3 Q. Okay. Back in June of 2000, did you
4 think that Leah Freeman lived in that house?

5 A. I don't know where Leah lived. I had
6 no idea.

7 Q. Had you seen her at that house before?

8 A. No.

9 Q. Had you seen any young women at that
10 house?

11 A. Yes.

12 Q. What did the young women who you had
13 seen there before look like?

14 A. Just young teenage girls.

15 Q. Okay.

16 A. I don't know what their names were or
17 anything. I knew there was a woman living back
18 there who was a nurse --

19 Q. Okay.

20 A. -- and I had talked to her a little
21 bit. She was my age probably. I don't know -- I
22 knew that she lived back there.

23 Q. Do you recall her name at all?

24 A. I don't.

25 Q. Do you know if she had any kids?

1 A. She did.

2 Q. How many kids did she have?

3 A. I don't know.

4 Q. Did you ever meet any of her kids?

5 A. No. I probably seen them up and down
6 walking or something.

7 Q. Would you have been able to pick them
8 out of a crowd?

9 A. No.

10 Q. Okay.

11 A. I'd like to see the transcripts where
12 I was at the grand jury.

13 Q. Okay. Let's take a look at those.
14 We'll go ahead and --

15 A. Because I don't remember even
16 testifying at a grand jury.

17 Q. I don't think I need to mark those as
18 exhibits, but I can have you take a look at it.

19 A. Now, what is this?

20 Q. I'll represent to you that this is the
21 transcript of your testimony at the grand jury in
22 Coos County in 2010.

23 A. Okay.

24 Q. You've said you don't remember
25 anything about that?

1 A. I don't ever remember testifying at
2 it.

3 Q. Okay.

4 A. I only remember testifying one time.

5 Q. Okay. Do you see on the first page
6 there where it says, "Testimony of John Lindegren"
7 in bold letters and it's underlined?

8 A. I do see that.

9 Q. And then down there towards the bottom
10 at line 22 -- line 20 you're asked to state your
11 name, and at line 22 it says, "John James
12 Lindegren, 115 in Myrtle Point. It's -- It's on
13 the Ash over there in Myrtle Point."

14 A. Yeah.

15 Q. And you say that you lived there two
16 and a half years?

17 A. Yeah.

18 Q. If you go to page 89, line 1,
19 Mr. Frasier asks you (reading): "And was that the
20 night Rudy got voted off?" And your answer was,
21 "I think it was."

22 A. Yes.

23 Q. Which is what you told us today;
24 right?

25 A. Yes.

1 Q. And he says, "Kind of upsetting that
2 Rudy got voted off," and you said you didn't
3 really care. Sound about right?

4 A. Yep. And it also says on number A, I
5 says, "I didn't care. My sister really was into
6 it, but I wasn't into it."

7 Q. Right.

8 A. Yeah. And I wasn't.

9 Q. Then at line 11 -- line 9 he asks you
10 (reading): "Now, after the show got over, did you
11 go for a walk or walk out from your sister's
12 house?" And you say, "Yeah. I was walking to
13 my -- my residence. I had been up
14 there. She was taking care of my
15 big Chow dog I had up there, so I went
16 up and checked up on it. And I was
17 up there for a couple of hours."

18 Do you recall how many hours you were
19 there before Survivor started?

20 A. No idea. And then I was up there for
21 a couple of hours, and then I watched that TV
22 program, after which I said goodbyes and I took
23 off.

24 Q. Right.

25 A. Yeah.

1 Q. So then down at line 21, Mr. Frasier
2 asks you (reading): "So it's after 9:00 when
3 you're out there walking towards your house?" And
4 you say, "Yeah."

5 A. Uh-huh.

6 Q. And then at line 24 he says, "As
7 you're walking, do you -- well, did
8 you -- well, did you see a
9 person later identified to
10 you as Nick McGuffin?" And you
11 said, "Yes."

12 Who was it that later identified the
13 person to you as Nick McGuffin?

14 A. This is all new to me. I don't know.
15 I can't remember.

16 Q. Okay.

17 A. I don't know. I don't know about
18 this. I remember about the testimony at the
19 trial, but I don't remember ever -- this.

20 Q. Okay. Then line 5 he says, "Could you
21 tell us where -- where they were
22 when you saw them?" And you say,
23 "Well, I walked around down the alley
24 where my sister is, and I made the
25 right-hand turn, and I walked down

1 that -- that -- the road going to
2 4th, and I saw them to my left. They
3 were probably, I don't know, 6 feet
4 from me, maybe 8 feet from me, and
5 I said, you know, hello, and continued
6 up the road, and went down to McKay's
7 and then on home."

8 A. Yeah.

9 Q. Now, were you saying there you
10 actually went to McKay's or you just went past
11 McKay's?

12 A. I can't remember if I stopped at
13 McKay's or not. If it says here I did, I guess I
14 did. Maybe I had some groceries to pick up. I
15 can't remember.

16 Q. Okay. So then at line 16 there --
17 line 14 he says, "Were they by any particular
18 vehicle or anything like that?" And
19 you say, "There was a pickup parked.
20 Like, for instance, there's a place
21 here, and then there's a place back
22 behind it, and then there's a little
23 alleyway, I don't know, you know,
24 18 feet wide or so. Then there's a
25 place here, and there was a pickup

1 parked here."

2 And apparently you were demonstrating
3 something to the captain there.

4 A. Uh-huh.

5 Q. You say, "When I was walking down, I
6 walked beside the pickup, and they
7 were over here on the grass, and
8 I just said, Hello, guys."

9 Do you remember them standing in the
10 yard somewhere?

11 A. No. I only remember them out there in
12 that gravel driveway.

13 Q. And you said you don't remember the
14 grand jury, but --

15 A. I don't at all.

16 Q. -- do you remember talking to anybody
17 before going to the grand jury?

18 A. I don't.

19 Q. Do you remember who asked you to come
20 to the grand jury?

21 A. I don't.

22 Q. Do you remember if McNeely talked to
23 you before --

24 A. I just remember the trial.

25 Q. Okay.

1 A. That's all I remember.

2 Q. Okay. If you go to the next page,
3 page 91 at line 3, Frasier asks you (reading):

4 "Within a day or two you became aware that
5 this girl that you saw there,
6 Leah Freeman, was missing," and you
7 say, "Yeah. Yeah."

8 A. Uh-huh.

9 Q. And so that would have been when
10 Jordie told you?

11 A. Yes. I'm sure she told me a day or
12 two or three after.

13 Q. Okay.

14 A. Yeah.

15 Q. And then on line 6 it says, "And did
16 you go to the police and talk to
17 the officer named Randy Ulmer and
18 tell him what you saw?" And you
19 say, "Yeah. And also I believe it
20 was two FBI officers also."

21 Does that refresh your recollection?

22 A. I don't remember -- I remember talking
23 to Randy Ulmer one time, and then I remember
24 talking to the other officer who took my
25 interview, and I can't remember about two FBI

1 officers. I do remember with the Gabriel Morris I
2 had an FBI officer.

3 Q. Okay. When you talked to Randy Ulmer,
4 did you go to him or did he come to you?

5 A. I can't picture me going to go talk to
6 him. He had to come talk to me.

7 Q. But you don't remember where you were
8 when you talked to him?

9 A. I have no idea, sir.

10 Q. Then after you mentioned the FBI
11 officers, he says, "Okay." And you say, "And I
12 told them, and they said, Well,
13 thank you very much. We'll be
14 talking to you. And that was about
15 ten years ago."

16 So if I understand correctly what
17 you're telling the grand jury there is that you
18 hadn't talked to anybody in the ten years between
19 when Randy Ulmer talked to you and you're at the
20 grand jury?

21 A. Evidently. Yeah, I had very little
22 contact with any cops of any kind, very little.
23 They never showed me pictures of the people, never
24 did a lineup. I thought it was odd.

25 Q. Okay.

1 A. I thought they would do a lineup so I
2 could prove I knew what I was talking about, and
3 never did anything like that. Never did -- didn't
4 talk to me hardly much.

5 Q. Did you ask them about that at all?

6 A. No. I just figured they know more
7 about cop work than I do. But I'd have done it a
8 lot different.

9 Q. Okay. Okay. Then he goes on, and he
10 says in line 14, "Now, earlier this year, the
11 police came back to you and talked
12 with you about that?" And you say,
13 "Absolutely."

14 Line 17 it says -- do you see where
15 I'm at?

16 A. I see it now.

17 Q. I'm at line 17 now. (Reading): "And
18 did they ask you to go with them
19 and point out where you were?"

20 "Answer: Yes."

21 A. Yeah, I see that.

22 Q. Line 20. (Reading): "And did you do
23 that, sir?" And you say, "Yes, sir,
24 I did." "And you showed them exactly
25 where this all occurred?" And you

1 say, "Absolutely."

2 A. "Absolutely." I see that.

3 Q. Now, line 25 he says, "I'm going to
4 have one of those officers come
5 and tell the grand jury exactly
6 where that was at and so forth."

7 Did anybody ever explain to you -- did
8 Frasier ever explain to you why he didn't want you
9 to explain to the grand jury where they were at?

10 A. No. I can't even remember testifying
11 there.

12 Q. Okay. Do you remember him putting any
13 photos in front of you at the grand jury or
14 anything?

15 A. No.

16 Q. And nobody ever --

17 A. This is the first time I saw any
18 photos.

19 Q. Okay. And nobody ever explained to
20 you why he wanted to have the officers explain
21 what you pointed out rather than have you explain
22 what you were pointing out?

23 A. Again, I did not have hardly any
24 contact with them for, like, years and years and
25 years --

1 Q. Okay.

2 A. -- you know.

3 Q. Then if you go down to line 20, one of
4 the grand jurors asks you a question.

5 Apparently --

6 A. Number 20?

7 Q. Yeah. Apparently it's a female
8 because your answer was, "No, ma'am." But she
9 says, "Do you know what color the pickup was?"

10 And you said, "No, ma'am. See, I
11 had not known -- you know, if I
12 had known something was up, I
13 would have took, you know, mental
14 notes, but I was just heading home."

15 A. Uh-huh. I do believe it was brown
16 now, but I could not -- I could not even state
17 100 percent.

18 Q. So you believe it's brown now, after
19 reading the police reports we discussed today?

20 A. Yeah.

21 Q. Okay. But back when you were
22 testifying in front of the grand jury, you didn't
23 know what color it was?

24 A. Yeah. And I probably didn't -- to be
25 honest, because it was so -- so immaterial to me,

1 I just walked around it and went on my way,
2 minding my own business.

3 Q. Okay. Then next page, page 93, you
4 say, "I don't know," and the grand jury says --
5 this is right at the top, line 1 and line 2. The
6 grand jury says --

7 A. Understand, yeah.

8 Q. Then line 3 you say, "I don't even
9 know. You know, it's a pickup, but
10 I don't know if it was a Chevy or
11 Dodge or even what color it was. I
12 just -- I just walked around it."

13 A. Yep. Mind my own business. I didn't
14 know anything happened and I was supposed to watch
15 something.

16 Q. Right. And then the grand jury says,
17 "Do you know if it was a small
18 one or did it seem like full-size?"
19 And you said, "Yeah, it was a
20 full-sized pickup."

21 A. It was.

22 Q. It was, okay.

23 And then at line 21 another grand
24 juror asks you a question (reading): "Were they
25 talking or saying anything or --"

1 and you say, "Yeah. Yeah. No.
2 they weren't." The grand juror
3 says, "Just talking?" And you
4 say, "I didn't see any arguing
5 or anything. There were other people
6 down the driveway at that little
7 house, but I never paid attention
8 to anybody there."

9 What other people were you telling the
10 grand jury about that --

11 A. I don't remember seeing anybody down
12 there.

13 Q. Just the two people?

14 A. Yeah.

15 Q. Okay. That was your grand jury
16 testimony apparently.

17 A. Yeah. I don't remember, but they got
18 a transcript from it, so I guess I had to be
19 there.

20 Q. I wasn't there, so I don't know and I
21 can't confirm or affirm for sure --

22 A. I only remember testifying in a
23 courtroom one time.

24 Q. Well, one time on the McGuffin case?

25 A. Yeah. On this case we're talking

1 about.

2 Q. Okay.

3 A. I only remember testifying one time.

4 MR. LAUERSDORF: Why don't we take a
5 short break. I think I'm just about finished.

6 BY MR. LAUERSDORF:

7 Q. Oh, wait. I want to ask you one other
8 thing here for sure before I take a break, and
9 that is, did you ever see the ABC 20/20 episode
10 that was shot in Coquille that was about the
11 Leah Freeman case?

12 A. No.

13 Q. Do you know if your sister ever saw
14 it?

15 A. I'm sure.

16 Q. Did she ever talk to you about it?

17 A. No. I got into it with them -- with
18 ABC.

19 Q. Oh, why is that?

20 A. I was -- I got up, went to work. I
21 stopped at Reaves' -- Chief Reaves' coffee shop
22 that his wife run, and ABC come up. I guess they
23 were trying to talk to Mr. Reaves.

24 Q. Okay.

25 A. And he didn't want anything to do with

1 them. They'd come up with a microphone and he'd
2 take off or whatever.

3 Q. Okay.

4 A. Well, I come walking out -- I guess
5 they'd been after Mr. Reaves for an interview or
6 something for a couple of days, and he'd give them
7 the rush. I come walking out, and this guy come
8 running up to me with a camera, and I had no idea,
9 and I said, I don't even know who you are, and I
10 turned and he grabbed me by the arm.

11 Q. Like physically put hands on you?

12 A. Yeah. So I turned around and I
13 wrist-locked him and pushed him out of the way
14 there, and I said, Don't touch me. And he said,
15 Well, we'd like to interview you, this and that
16 and the other thing. And I said, I'm not
17 interested in talking about anybody.

18 Q. Did they know who you were?

19 A. Yeah. They found out somehow.
20 Somebody inside the coffee shop told them who I
21 was or something.

22 Q. Did they call you by name?

23 A. Yeah.

24 Q. What did they say they wanted to talk
25 to you about?

1 A. They wanted to interview me.

2 Q. Did they say about what?

3 A. About the murder.

4 Q. Oh.

5 A. And I said, I don't want to talk to
6 you.

7 Q. Any idea who gave them your name?

8 A. No idea.

9 Q. Any idea how they knew you were even
10 involved?

11 A. No idea.

12 Q. Okay.

13 A. But I locked -- I locked his wrist and
14 pushed him off of me, and I said, Don't lay hands
15 on me again. And there was a guy with a
16 microphone and a dude with a camera.

17 And then they went after -- as they
18 were trying to get to me, Reaves burned off in the
19 pickup.

20 Q. I remember a little bit of that from
21 the episode. So you never had a chance to watch
22 the episode?

23 A. No, I never did. At that time I was
24 so pissed off about the world that I didn't want
25 nothing to do with nothing anymore. Enough is

1 enough.

2 Q. And that was in 2010?

3 A. Yeah.

4 Q. Okay.

5 A. Enough is enough.

6 Q. Any particular reason you were pissed
7 off at the world?

8 A. Just -- just get it over with, boys,
9 you know.

10 Q. The Freeman thing or just the world in
11 general?

12 A. Yeah, the world.

13 Then, you know, I just didn't want
14 anything to do with it at that time. It went on
15 for ten years, and that's enough.

16 Q. Okay.

17 MR. LAUERSDORF: So I want to take a
18 short break to look over my notes and make sure
19 I've covered what I need to cover.

20 THE WITNESS: Sure.

21 MR. LAUERSDORF: And then I'll be
22 done. But I think the other attorneys that are on
23 the phone may want to ask you some questions;
24 okay?

25 THE WITNESS: That's fine.

1 MR. LAUERSDORF: So let me meet with
2 my co-counsel here for a second and --

3 THE WITNESS: Do you want me to leave?

4 MR. LAUERSDORF: No. No. That's
5 okay. But if you want to go out and get some
6 fresh air, you're welcome to.

7 THE WITNESS: No need to.

8 MR. LAUERSDORF: We'll go off the
9 record for a minute.

10 (Recess: 3:02 p.m. to 3:04 p.m.)

11 MR. LAUERSDORF: Mr. Lindegren, I've
12 gone over my notes, and I don't have anything to
13 ask you right now.

14 THE WITNESS: How about you, Ma'am, do
15 you have anything?

16 MS. PURACAL: I do not, Mr. Lindegren,
17 but thank you for asking.

18 MR. LAUERSDORF: Okay. So folks on
19 the phone, if you have questions now is the time.

20

21 EXAMINATION

22 BY MR. FRANZ:

23 Q. So when you testified at the jury
24 trial, the criminal jury trial, did you testify
25 truthfully?

1 A. I believe so.

2 Q. And when you testified at the grand
3 jury, did you testify truthfully?

4 A. I believe so. I can't remember much
5 of it until I read it.

6 Q. Yeah. You don't remember much, but
7 you're not -- let me do it this way. Do you still
8 have the transcript in front of you of the grand
9 jury?

10 A. I don't. I got it now, sir.

11 Q. Okay. Go to page 90.

12 A. Okay.

13 Q. And do you see line 10?

14 A. Yeah. I see line 10 and 11.

15 Q. So do you see on line 9 where it says,
16 "And I saw them"?

17 A. (Reading): "And I saw them to my
18 left. They were probably, I don't
19 know, 6 feet from me, maybe 8 feet
20 from me."

21 Q. Okay. Why did you tell the grand jury
22 that?

23 A. I have no idea. I believed it was
24 more like 15 to 20 feet.

25 Q. Then why did you tell the grand jury

1 it was 6 feet, maybe 8 feet?

2 A. I don't know, sir.

3 Q. Did you know the grand jury was going
4 to rely upon your testimony?

5 A. Yeah, probably.

6 Q. Okay. Now --

7 A. I don't even remember -- oh, okay.

8 MR. FRANZ: So for the purpose of the
9 other attorneys, I've got the jury trial
10 transcript of the witness. And I'm at D4,
11 page 135. I'm going to read a couple of lines,
12 and you probably don't have to dig it out.

13 BY MR. FRANZ:

14 Q. Mr. Lindegren, I'm going to read parts
15 of your testimony in front of the jury. So the
16 photographs, the pictures you're talking about are
17 the ones you just looked at?

18 A. Okay.

19 Q. Here's what was said, "Question: Do
20 these pictures accurately portray
21 what you saw?" Your answer. "Yes."

22 "Question: Now, there's some orange
23 cones in there. What do they represent?"

24 "Answer: That's where I saw these
25 people."

1 Do you remember that testimony?

2 A. I do not remember that testimony, but
3 that must be what I said, because it's in the
4 transcript. But I don't remember it as such.

5 Q. All right. So in the pictures it
6 shows --

7 MR. FRANZ: Could the witness be shown
8 pictures again of the exhibit -- Exhibit 4.

9 THE WITNESS: Okay. I have it in my
10 hand now.

11 BY MR. FRANZ:

12 Q. So the cones -- you told the grand
13 jury the cones are where the people were standing;
14 right?

15 MR. LAUERSDORF: Objection; that
16 misstates his testimony. You're in the trial
17 transcript, I think.

18 A. Do you want me to answer you?

19 BY MR. FRANZ:

20 Q. Yes, I do.

21 A. Okay. From Exhibit No. 4, the top
22 picture of me and the officer, and there's two
23 cones, those two cones there is where I remember
24 the pickup being.

25 I remember the people being up --

1 farther up the driveway to the right there before
2 you get to the cones. That's all I can tell you,
3 sir. That's what I remember.

4 Q. Were the people 4 to 6 feet from you?

5 A. No. They were between the windows and
6 the end of the house, up that driveway.

7 Q. Would your memory be better in 2010 or
8 today?

9 MR. LAUERSDORF: Objection.

10 A. I couldn't answer that question.

11 BY MR. FRANZ:

12 Q. Now, so if I wanted to come and see
13 you, where do you physically reside? How does
14 somebody get to your house?

15 A. Well, they need to contact me and I'll
16 meet you in town. You need to contact me by my
17 name, general delivery, Myrtle Point, Oregon.

18 Q. Do you have a phone number?

19 A. Yes, sir, I do.

20 Q. Do you mind giving that to me?

21 A. (541)260-0021.

22 Q. Did you talk to the attorneys last
23 night?

24 A. I did.

25 Q. What attorneys did you talk to?

1 A. The gentleman that is in here with me
2 now.

3 Q. So Andrew. We'll just use the first
4 name to make it easy. Was anybody else with
5 Andrew?

6 A. No. He was alone.

7 Q. And where did you meet with him?

8 A. The restaurant called the Kozy Kitchen
9 in Myrtle Point, Oregon.

10 Q. Is that the one on the right-hand side
11 if you're heading for Coquille?

12 A. Yeah.

13 Q. And did you have anything to eat or
14 drink with him?

15 A. Yes, I did.

16 Q. What did you have?

17 A. I had a cheeseburger and a cup of
18 coffee.

19 Q. Did he pay for it?

20 A. Yes, he did.

21 Q. Then you should have gotten two
22 cheeseburgers.

23 A. Well, I was thinking about that, but I
24 didn't know how hard I could push him.

25 Q. Okay. Tell us what you talked about

1 with Andrew last night. Did you tell Andrew that
2 you saw Leah and Nick on June 28th on North
3 Elm Street?

4 A. Well, my recollection of last night,
5 we didn't really talk much about the case. He
6 explained to me what a deposition was and how it
7 was done and how many hours it would take and how
8 to -- you know, not to -- to understand it might
9 take four to six hours in the deposition, and that
10 there would be several other attorneys on a
11 laptop. And he told me about the different things
12 about a deposition, and pretty much that's about
13 what we talked about.

14 Q. Did you tell him last night that you
15 saw Leah and Nick on June 28th?

16 A. Yeah, I believe that was talked about.
17 And he said that, My stance about it is, is I
18 think you are mis -- what's the word for it? That
19 you're wrong.

20 Q. Right. So did that bother you that an
21 attorney is telling you that your testimony was
22 wrong?

23 A. He can say anything he wants to, you
24 can say anything you want to. You have a job to
25 do, this gentleman has a job to do, and these

1 people have a job to do. It doesn't matter what
2 anybody tells me. You guys are way above my pay
3 grade.

4 Q. So did he tell you how he knows you're
5 wrong?

6 A. No. No, he didn't.

7 Q. Would your testimony be different if
8 he had told you you were right?

9 A. No. This is -- this is what I
10 remember, sir. I am a Christian. I don't believe
11 in telling you a bullshit story. I won't piss
12 down your back and tell you that it is raining.

13 Q. Did Andrew give you any information as
14 to why you're wrong?

15 A. No. He just said that his stand was
16 that I had made a mistake.

17 Q. Were you under oath when you testified
18 at the jury trial?

19 A. Yeah, I must have been.

20 Q. Does it bother you that Andrew told
21 you that you were not telling the truth under
22 oath?

23 A. Well, he can tell me anything he wants
24 to. You know, he's got a job to do such as -- and
25 you do too. I understand that I'm under oath

1 right now, but I also understand that you guys
2 aren't.

3 Q. Did he say that you were wrong about
4 anything else?

5 A. No. But he -- not that I know of. We
6 didn't really talk about it a whole bunch. We
7 didn't hang out there like -- as best buds for
8 hours. We hung out there about 45 minutes, and
9 that's with ordering the food and eating it and
10 leaving.

11 Q. Since he told you you were wrong, did
12 he tell you you were wrong about seeing two people
13 or you were wrong about who they were?

14 MR. LAUERSDORF: I'm going to object
15 that that misstates his testimony.

16 A. Do I answer that or not?

17 MR. LAUERSDORF: Yes. Go ahead.

18 THE WITNESS: I answer it?

19 BY MR. FRANZ:

20 Q. Yes.

21 A. He thought that I had misidentified
22 the people.

23 Q. And who did he say the people were?

24 A. He did not tell me.

25 Q. Weren't you curious to know --

1 A. I figured that I'd find out.

2 Q. Have you found out yet?

3 A. No, because he hasn't mentioned it. I
4 don't know what his angle is. I don't know what
5 your angle is. I don't know what -- anybody's
6 angle. I know you got a job to do, and I know
7 that this gentleman does also. And, you know, his
8 job is to discredit me if he can, and that's his
9 job. I don't think he dislikes me. I just think
10 he's got to do his job, just like you got to do
11 your job.

12 Q. Well, have I ever told you you're
13 wrong?

14 A. Not yet, but I'm waiting.

15 Q. Do you know if your conversation with
16 Andrew was recorded?

17 A. I don't know if it was recorded or
18 not. Nobody told me anything about recording
19 anything.

20 Q. Did Andrew show you any documents last
21 night?

22 A. No, he did not.

23 Q. He did not show you the transcript of
24 your grand jury testimony?

25 A. No, he did not.

1 Q. Would you like to have seen that
2 before you testified today?

3 A. Would I have liked to see it before I
4 testified? No. It doesn't matter. You ask me
5 the questions now, and I will answer them to the
6 best of my ability.

7 I can't even remember testifying at
8 the grand jury. I do remember testifying at the
9 trial.

10 Q. Do you think that transcript is a fake
11 of your grand jury testimony, or do you think that
12 you just don't --

13 A. Well, I don't think they're fake.
14 That would be kind of hard to believe, wouldn't
15 it? I guess there's a possibility, like a 1 in
16 100 million, but I believe that I did go there,
17 but I just don't remember it.

18 MR. FRANZ: Okay. That's all the
19 questions I have. Thanks a lot.

20 THE WITNESS: Thank you, sir.

21 MR. DAVIS: This is Jesse Davis. Are
22 you able to hear me, Mr. Lindegren?

23 THE WITNESS: I am, sir.

24 MR. DAVIS: My voice may break a
25 little bit. I've got a little bit of the cold and

1 flu that's been going around, so I apologize for
2 that. I'll try to talk slowly so that we don't
3 have any trouble with the transcript, and I'll ask
4 you to do the same.

5
6 EXAMINATION

7 BY MR. DAVIS:

8 Q. Going back to your conversation with
9 Andrew Lauersdorf, what else did you guys talk
10 about during your conversation?

11 A. He liked to come down here because he
12 liked to take his pickup out in the mud and
13 squirrel around a little bit, he told me that he
14 had a case down here with the old World War II
15 hangar at the airport here, and we might have
16 talked a little about trapping from my side, and
17 that's about all I recall, sir.

18 Q. All right. Thank you.

19 Returning to your transcript that
20 you've been shown today, is it accurate to say
21 that it looks like from your grand jury transcript
22 and from what you were told about your testimony
23 at the criminal trial that you've said different
24 things today than what you've said during those
25 occasions where you've testified? Does that

1 question make sense?

2 A. From what I've read here in these
3 transcripts and what I remember that you guys have
4 talked to, yeah. I told you what I remember when
5 I was being interviewed earlier, and that's all I
6 can -- that's all I can go by, sir, is what I
7 remember.

8 Q. Understood.

9 So it looks like there's been, you
10 know, at least three occasions where you've
11 testified under oath about what you saw; right?

12 A. I believe you're right.

13 Q. And they may not be perfectly
14 consistent with each other; right?

15 A. I agree.

16 Q. Is it the case that in each instance
17 you testified truthfully as best you remembered it
18 at that time?

19 A. Yeah.

20 Q. And that's true for today as well?

21 A. Yes. I'm not a bullshitter.

22 Q. Right. And it sounds like you
23 understand or believe that you're not a
24 bullshitter, but that still your memory might be
25 different at one different time than another, and

1 that's why the times when you've testified might
2 not be consistent with each other?

3 A. Correct. That's the only answer I
4 got. It's been 22 years ago.

5 Q. Understood.

6 And did you ever get the sense in
7 talking with any law enforcement officer that that
8 law enforcement officer was attempting to
9 influence or manipulate you in what you were going
10 to say or testify?

11 A. I have no idea. They asked me
12 questions. I don't know the game. Could I have
13 been led? I probably could have, because I'm just
14 an old hillbilly. I ain't none all that brilliant
15 when it comes to law work. Could I have been led?
16 Yeah, probably. But did anybody outwardly try
17 anything with me? No. They would never try that.
18 Anybody try to talk me into testifying some way, I
19 would never have done it, and I would whip their
20 ass.

21 Q. Mr. Lindegren, you broke up when you
22 spoke, but that's okay as long as the court
23 reporter was able to get your testimony --

24 A. Yeah, she's nodding her head.

25 I will repeat it, if you wish?

1 Q. That would be fine.

2 A. Okay. Yeah. Could I have been led,
3 yeah, probably. I'm just a darn hillbilly, you
4 know. I ain't no law enforcement guru or no
5 attorney guru. You know, you guys are way above
6 my pay grade. But did anybody just come out and
7 say, This is what we want you to say or do or
8 anything? No, they would never say that to me.
9 If they did, I'd whip their ass, I said.

10 Q. Thanks, Mr. Lindegren. It sounds like
11 it's the case that if someone asked you questions,
12 you answer those questions truthfully and then you
13 moved on. Is that true?

14 A. That's correct.

15 Q. Before last night when you met with
16 Andrew Lauersdorf, had you had any contact with
17 anybody on what I would describe as Mr. McGuffin's
18 legal team, meaning, Mr. Lauersdorf or Ms. Puracal
19 who's there with you? Did you have any
20 conversations or contact with anybody else from
21 their team?

22 A. Yeah, I did. I don't know -- a woman
23 kept sending me text messages and stuff. Ramirez
24 maybe. And she was trying to set up a meeting.
25 And then I contacted his law office several times

1 through her and the number and nobody ever got
2 back to me, but I don't know if the attorney here
3 ever got my message or not. That's the only
4 contact.

5 This was going to happen at the Mill
6 Casino months ago, and then it was -- she
7 contacted me with a text message and said it was
8 canceled. That's the only contact I've had with
9 any law office.

10 Q. Okay. Thank you.

11 And that person named Ramirez, that
12 was a woman, you said?

13 A. Uh-huh. Yeah. Achez (phonetic) or
14 something. That was her name. Achaz or Chez
15 or -- real pretty voice, but I have no idea who it
16 is. But I called and I sent text messages trying
17 to get a -- because I didn't want to have to drive
18 all the way over here to North Bend, 100 miles
19 from my house. I get four miles to the gallon in
20 my old truck. And I wanted to set it up some
21 other place, and we never could get together. I
22 called this woman who was his secretary, I
23 believe, at his law office. I sent her text
24 messages, plus I talked to her on the phone a
25 couple of times, but that didn't happen so here I

1 am today.

2 Q. Okay. Thank you.

3 Before today, did you ever have any
4 discussions with the person you described as
5 Ms. Ramirez or anybody else? Did you ever just
6 talk about the substance of your -- of the things
7 you talked about today, your discussions with law
8 enforcement back in 2000 or 2010? Did any of
9 those discussions occur before last night?

10 A. Nothing. No.

11 Q. So all of those text messages or
12 contacts with Ms. Ramirez were just about setting
13 up times --

14 A. Setting up dates and a place for the
15 deposition.

16 Q. All right. Thank you.

17 MR. DAVIS: One moment while I take a
18 quick look here. I don't have any more questions.
19 Thank you.

20 MR. LAUERSDORF: Ms. Schaffer?

21 MS. SCHAFFER: This is Karin Schaffer.
22 I have no questions for this witness.

23 MR. LAUERSDORF: Let's take a break
24 for just a second. I want to see if I have any
25 follow-up.

1 (Recess: 3:32 p.m. to 3:33 p.m.)

2 MR. LAUERSDORF: I don't have any
3 follow-up, so from my perspective, we're done.

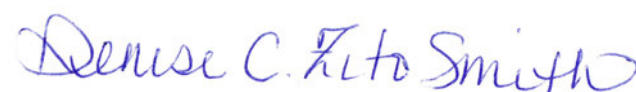
4 (Deposition concluded at 3:34 p.m.)
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1 State of Oregon)
) ss.
2 County of Douglas)

3
4 I, Denise C. Zito Smith, CSR, a
5 Certified Shorthand Reporter for the State of
6 Oregon, hereby certify that the witness was sworn
7 and the transcript is a true record of the
8 testimony given by the witness; that at said time
9 and place I reported by stenotype all testimony
10 and other oral proceedings had in the foregoing
11 matter; that the foregoing transcript consisting
12 of 236 pages contains a full, true, and correct
13 transcript of said proceedings reported by me to
14 the best of my ability on said date.

15 If any of the parties or the witness
16 requested review of the transcript at the time of
17 the proceedings, such correction pages are
18 included.

19 IN WITNESS WHEREOF, I have set my hand
20 this 18th day of January 2023, in the City of
21 Canyonville, County of Douglas, State of Oregon.

22
23 

24 _____
Denise C. Zito Smith
Oregon CSR No. 01-0375
25 Expires 9/30/2024

1 Case Name: McGuffin vs. Dannels, et al.

2 Deponent: John J. Lindegren

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4 Page Line Reason Correction

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18 I hereby certify that I have read the
19 deposition taken January 4, 2023, and that this
20 deposition, together with any corrections or
additions, is a true and accurate record of my
testimony:

21

22 _____

23 Witness's Signature

24

25